DATE: Tuesday, September 24, 2013
TIME: 7:00 P.M.
LOCATION: ROOM 201, City-County Building, 210 MLK Jr. Boulevard, Madison

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

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

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

Contact Information: Zoning Office, Planning & Development Department, 266-4266, or WI Relay (711)

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 10582
   APPLICANT: WILLIAM J RENNIEC
   LOCATION: EAST OF 8424 AIRPORT ROAD, SECTION 4, TOWN OF MIDDLETON
   CHANGE FROM: A-1 Agriculture District TO C-1 Commercial District
   REASON: retail commercial uses

2. PETITION: REZONE 10585
   APPLICANT: DUNCAN R CAMPBELL
   LOCATION: 4934 FELLAND ROAD, SECTION 35, TOWN OF BURKE
   CHANGE FROM: A-1 Agriculture District TO A-2 (4) Agriculture District
   REASON: adding additional lands to existing lot

3. PETITION: REZONE 10586 and CUP 2247
   APPLICANT: GOOD SHEPHERD EVANGELICAL LUTHERAN CHURCH
   LOCATION: 7291 COUNTY HIGHWAY PD, SECTION 9, TOWN OF NOVERA
   CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District
   REASON: zoning compliance for proposed columbarium
   CUP DESCRIPTION: cemeteries and religious uses

4. PETITION: REZONE 10589
   APPLICANT: THOMAS M WILLAN
   LOCATION: 4407 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE
   CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
   REASON: zoning compliance for structures
5. **PETITION: CUP 2248**  
   APPLICANT: DANIEL C HEIN  
   LOCATION: SOUTH OF 7217 TRI-COUNTY ROAD, SECTION 13, TOWN OF YORK  
   CUP DESCRIPTION: single family residence in A-1EX district

6. **PETITION: CUP 2249**  
   APPLICANT: TONYA J VIKE  
   LOCATION: 900 FEET EAST OF 2141 LESLIE ROAD, SECTION 23, TOWN OF DUNKIRK  
   CUP DESCRIPTION: single family residence for owner in LC-1 district

**IV. REZONE AND CONDITIONAL USE PERMIT APPLICATIONS FROM PREVIOUS MEETINGS**

1. **PETITION: REZONE 10576**  
   APPLICANT: SAGEN REV TR, CLIFFORD  
   LOCATION: 2788 KOSHKONONG ROAD, SECTION 9, TOWN OF PLEASANT SPRINGS  
   CHANGE FROM: C-1 Commercial District TO C-2 Commercial District  
   REASON: mini warehouses

**V. PLATS AND CERTIFIED SURVEY MAPS**

1. **Preliminary Plats**  
   None

2. **Final Plats**  
   a. Cherrywood Forest, Town of Middleton, Section 30  
      (24 lots) (29.7 acres)  
      Consideration of the 7/09/2013 conditional approval and execution of the plat document pursuant to established Committee policy.

   b. Waiver request regarding Wood Ger Development final plat, located in the Town of Burke, Section 24; waiving the requirements set forth within Ch. 75.20(9), requiring the installation of improvements or an appropriate surety bond or a certified check submitted with the appropriate governmental jurisdiction or with the committee in an amount sufficient to cover the work.

   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**  
   None

**VI. RESOLUTIONS**

1. None.

**VII. ORDINANCE AMENDMENTS**

1. None.

**VIII. OTHER BUSINESS**

1. Dane County Comprehensive Plan Update Discussion and Presentation

2. Any other business authorized by law

**IX. ADJOURN**

AGENDA POSTED: September 19, 2013  
Supervisor Patrick Miles, Chair, Zoning & Land Regulation Committee
Description: Kyle Walser, applicant, would like to construct a 24,000 square foot building on the 2.3-acre site. He is proposing to house his business, Walser Electric, and also have spaces for other commercial uses. The attached site plan is conceptual only and may be subject to change.

Observations: The property is located in an area primarily used for single-family housing. Tellard Park soccer fields, located in the City of Middleton, are directly east of the property. Further east is the City of Middleton Airport. The property consists entirely of Class I soils. An intermittent stream is located just north of the property making the northerly 50 feet of the property within the Shoreland District. The park entrance (private drive) is proposed to be used for accessing the site from Airport Road.

Town Plan: The Town Plan designates this area to be used for “residential, including institutional, mixed used, and research/development”. The area is intended single-family residences, schools, and churches. Given that the proposal describes a contractor’s shop and undetermined commercial uses, it may conflict with the intended land uses for the area. See attached plan and plan language.

Resource Protection Area: The proposal is outside the resource protection corridor.

Staff Comments: The proposal appears to be inconsistent with the Town of Middleton Land Use Plan. It is suggested that amendments be made to the Town of Middleton Land Use Plan to designate the area for commercial development prior to the change of zoning. Limitations on the specific lands uses and buffer requirements may be needed due to the close proximity to residential uses.

Town Action: Deny. See findings of fact listed on the Town Action Report.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition #10582

Dane County Zoning & Land Regulation Committee Public Hearing Date 9/24/2013

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

Town Board Vote: 7 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.

Findings of Fact: 1) The Town’s Comprehensive Plan designates this area for residential development; 2) The proposed commercial development would be incompatible with surrounding land uses; 3) There would be long term incompatibility with commercial development located in this area.

1. David Shaw, as Town Clerk of the Town of Middleton, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 8/19/2013

Town Clerk David Shaw Date: 9/16/2013
Facilities Legend

- Fire Station #2
- Town Hall

Map Legend

- Red: Town of Middleton
- Light Gray: City of Madison
- Dark Gray: City of Middleton

Comprehensive Plan

Map H.4: Future Land Use

July 26, 2010

Future Land Use Legend

- Central Urban Service Area Boundary
- Extraterritorial Zoning Limit Agreement (City of Middleton)
- Intergovernmental Boundary Line (City of Madison)
- Intergovernmental Agreement Transition Area
- Commercial
- Open Space
- Commercial Recreation
- Residential (Includes Institutional, Mixed Use, and Research and Development)
Client: Dr. Rolf A. Quisling
4714 Capitol View Road
Middleton, Wisconsin

DESCRIPTION: A part of the S 1/2 of the NE 1/4 of Section 4, T7N, R8E, Township of Middleton, Dane County, Wisconsin, more fully described as follows: Commencing at the E 1/4 corner of said section 4; thence N 90°00'00" W, 1027.22 feet, to the point of beginning of this description; thence continuing N 90°00'00" W, 600.00 feet; thence N 0°27'00" E, 463.00 feet; thence N 90°00'00" W, 600.00 feet; thence S 0°27'00" E, 463.00 feet, to the point of beginning, said parcel contains 6.39 acres total and is subject to Public Right-of-Way for Airport Road over the Southerly 40 feet thereof.

NOTE: North is referenced to a line perpendicular to the South line of the S 1/2 of the NE 1/4 of said Section 4 which bears N 90°00'00" W (assumed).

NOTE: Refer to building site information contained in the Dane County Soil Survey.

I, John F. Bloodgood, a registered land surveyor, do hereby certify that on September 10, 1980, at the request of Dr. Rolf A. Quisling, the above-described property was surveyed under my direction; that the accompanying map is a correctly-dimensioned representation to scale of the exterior boundaries; and that this certified survey map complies with Section 236.34 of the Wisconsin Platting Statutes.

John F. Bloodgood, S-1343

SCALE: 1" = 100'

Office of Register of Deeds
Dane County, Wisconsin

Received for Record June 9, 1981

and recorded in vol... on page... of... plat... in... M

Mead and Hunt, Inc.
Engineers - Surveyors
Madison, Wisconsin

LEGEND

© Iron Stake Found
O Iron Stake Set

CSM 3617
V. 14 - 272

Dwg No. N773355
Sheet 1 of 2
Description: The applicant would like to increase the size of an existing lot. Approximately ¾ of an acre will be added to the rear of the lot. The property may be used for the expansion of the existing kennel facility at some time in the future. No expansion is anticipated at this time.

Observations: The property is home to Camp K-9, a dog and cat boarding facility. The kennel has been in operation since 1985 and is operated under the conditions of Conditional Use Permit # 2075. The City of Madison borders are in close proximity to the property, however, the property is not within its urban service area. The property consists entirely of Class II soils. No other sensitive environmental features observed.

Town Plan: The 1999 Town of Burke Land Use Plan designates this area to be used for suburban residential use. The 2007 Cooperative agreement between the Town of Burke and the City of Madison shows this area to be annexed into the City of Madison by 2037. The City of Madison Neighborhood Plan for this area notes development that is residential in nature.

Resource Protection Area: The property is located outside the resource protection area.

Staff Comments: The proposal meets the dimensional standards of the zoning district.
NOTE: The boundaries of Conditional Use Permit #2075 will need to be revised prior to any kennel activities expanding into the added land area.

Town Action: Approved with no conditions.
TOWN BOARD ACTION REPORT


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

The Town Board Planning Commission

consisting of 6 members voted 6 in favor and 0 opposed

The Town Board

consisting of 4 members voted 4 in favor and 0 opposed

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

None. See Attached Resolution (No. 08212013).

(attach additional page[s] as required)

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

RECEIVED

SEP 1 2 2013

(attach additional page[s] as required)

Please note: The following space (and additional page[s] if required) are saved for comment by the minority voter(s).

________________________________________

I, Brenda Ayers, as Town Clerk of the Town of Burke, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on August 21, 2013.

Brenda Ayers

Town Clerk

DATE: September 10, 2013
TOWN OF BURKE
RESOLUTION NO. 08212013A

RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE
APPROVING THE CERTIFIED SURVEY MAP (CSM) AND REZONE
PETITION SUBMITTED BY DUNCAN CAMPBELL.

WHEREAS, an application for a Certified Survey Map (CSM) and rezone for the purpose of
expanding two lots and creating a lot for a house to be built for a family member. Properties
located at 4908, 4930 and 4934 Felland Rd, Madison (parcel numbers 0810-351-9000-1,
0810-351-9161-7 and 0810-351-9061-8) was submitted to the Town by Duncan Campbell; and

WHEREAS, the Plan Commission has reviewed the CSM and rezone application
and recommended approval of the CSM and rezone; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's
recommendation.

NOW, THEREFORE, the Town Board hereby approves the CSM and the rezone
of the 97 feet added to the kennel lot from A-1 to A-2.

The above Resolution was duly adopted by the Town Board of the Town of Burke,
Dane County, Wisconsin, at a meeting on August 21, 2013.

APPROVED:

By

Kevin Viney, Town Chair

ATTEST:

Brenda Ayers, Town Clerk/Treasurer
CERTIFIED SURVEY MAP

Lots 1 and 2, Certified Survey Map No. 8422, and part of the Southwest 1/4 of the Northeast 1/4, Section 35, T0N, R10E, Section 35, Town of Burke, Dane County, Wisconsin.

SCALE: 1" = 100'

Existing A-2

New A-2

North
Staff Report

Zoning and Land Regulation Committee

<table>
<thead>
<tr>
<th>Public Hearing:</th>
<th>September 24, 2013</th>
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<tbody>
<tr>
<td>Petition:</td>
<td>Rezone 10586</td>
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<tr>
<td></td>
<td>CUP 2247</td>
</tr>
<tr>
<td>Zoning Amendment:</td>
<td>RH-3 Rural Homes District to A-2(8) Agriculture District</td>
</tr>
<tr>
<td>Town/sect:</td>
<td>Verona</td>
</tr>
<tr>
<td>Section:</td>
<td>09</td>
</tr>
<tr>
<td>Survey Req. No</td>
<td></td>
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<tr>
<td>Reason:</td>
<td>Construction of a Columbarium (cemetery)</td>
</tr>
<tr>
<td>Acres:</td>
<td>13.2</td>
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<tr>
<td>Applicant:</td>
<td>Good Shepherd</td>
</tr>
<tr>
<td></td>
<td>Evangelical Luth</td>
</tr>
<tr>
<td>Location:</td>
<td>7291 County Highway PD</td>
</tr>
</tbody>
</table>

Description: The Good Shepard Evangelical Lutheran Church would like to construct an open air columbarium on the church grounds. The columbarium area will be designed in a circular fashion having monument wall sections averaging 4 feet to 8 feet tall.

Observations: The church has been located on this site since 2002. The site is located north of an active legal non-conforming mineral extraction operation, west of a rifle range, and south of Highway PD. The religious land use is allowed under Conditional Use Permit #1597. In 2005, Conditional Use Permit #1975 was approved to allow a preschool center. No sensitive environmental features observed. In order to allow a cemetery on the site, the zoning must be changed to allow the multitude of different land uses on one site.

Town Plan: The Town Land Use Plan designates this area as Urban Residential. The area permits housing density up to 6 dwelling units per acre. Institutional land uses such as schools and churches are generally accepted in the residential areas. The proposal appears to meet the development policies of the plan.

Resource Protection Area: The property is located outside the resource protection area.

Staff Comments: See attached suggested conditions for the proposed columbarium.

Town Action: Pending.
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.

   The Columbarium will be an park-like open-air structure which allows for the final resting place of cremated remains. Cremated remains pose no threat to public safety, health, and welfare.

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.

   The Church will provide the same maintenance and upkeep of the Columbarium as it does for the remainder of the site, and the current operations will not change with with the addition of the columbarium.

   Any lighting that will be installed will be ground high, minimal, and not exceeding what is currently on site. It will provide additional safety along pathways.

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.

   No impediment is foreseeable for future development or improvements.

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

   No special concerns for run-off are warranted, due to the limited amount of impervious surface. There will be minimal electrical needs, enough to satisfy any local requirements.

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.

   An increase in traffic flow is not anticipated. Access to the columbarium is by pedestrian only. The amount of traffic on the public streets should not be affected.

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

   All requirements and regulations, i.e. setbacks, ordinances, city/county regulations, etc. will be followed.
There simply wasn't another niche manufacturer that conveyed the elegance that Eickhof did. Hands-down, their use of stone, their concealed locking fasteners, the way they put everything together...their solutions were just much more refined, clean and simple.

Karl Von Bieberstein, Design Team Member, Newman Jackson Bieberstein
Highland Park United Methodist Church

While this issue of our newsletter features complex projects for two large, prominent churches, Eickhof has a long history of serving all types of congregations and cemeteries, large and small.

Eickhof Columbaria Inc.
116 W. Robert St. Crookston, MN 56716
800-253-0457
www.eickhofcolumbaria.com
The Eickhof Company offers two standard size niches; 8”x 8” and 12”x 12.” Some customers elect to use both sizes on the same columbarium project.

Eickhof Columbaria has engineered a niche system that allows different sized niches in the same columbarium wall. This image shows niche front sizes in 8”x 8” and 12”x 12.”

The 8”x 8” niche will accommodate two 5 1/2” x 5 1/2” x 7” sheet bronze urns. The 12” x 12” niches will accommodate larger, more ornate style urns.
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

DANE COUNTY
CONDITONAL USE PERMIT # 2247

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 # 2247 for a Cemetery pursuant to Dane County Code
of Ordinance Sections 10.126(3) and subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: Pending

THE CONDITIONAL USE SHALL BE LOCATED WITHIN THE BOUNDARIES AS
DESCRIBED:

A parcel of land located in the NE 1/4 of the NW 1/4 of Section
9, Town of Verona described as follows: Commencing at the North
quarter corner of said Section 9; thence S00°22'25" West, 383.50
feet to the point of beginning; thence continuing S00°22'25"
West, 937.83 feet; thence N88°25'36" West, 1305.04 feet; thence
N00°12'18" West, 14.45 feet a point on a curve; thence
Northeasterly on a curve to the left which has a radius of 605.96
feet and a chord which bears N68°15'06" East, 138.45 feet; thence
N61°41'25" East, 143.71 feet; thence N28°18'35" West, 33.00 feet;
thence N61°41'25" East, 398.61 feet; thence N60°15'39" East,
85.26 feet to a point of curve; thence Northeasterly on a curve
to the left which has a radius of 1762.95 feet and a chord which
bears N54°41'09" East, 342.54 feet; thence N49°06'39" East,
340.16 feet to a point of curve; thence Northeasterly on a curve
to the right which has a radius of 1637.02 feet and a chord which
bears N51°33'40" East, 139.97 feet to the point of beginning.

CONDITIONS:

1. The cemetery is limited to a columbarium having a maximum of 700 spaces for urns.
2. The cemetery shall comply with Wisconsin State Statutes Chapter 157.

<<<< subject to additional conditions by Town of Verona>>>>

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

H:\Zoning\ZLR\Conditional Use Permits\CUP 42247 proposed.doc
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
Class

- Class 1
- Class 2

Petition 10586 CUP 2247
Good Shepard Evangelical Lutheran Church
Description: The applicant would like to bring his 2-acre parcel into compliance with current zoning regulations for his residence and home business.

Observations: The previous owner of the property, James Vale, submitted an application to rezone this property in 1998. The zoning of the property never became effective due to the applicant failing record a CSM and file a deed restriction in a timely manner. However, the CSM and deed restriction was recorded approximately 9 months after the zoning petition became null and void.

There is an existing residence and large accessory building on the property. The property consists entirely of Class II soils. No sensitive environmental features observed.

Town Plan: The Town Comprehensive Plan designates this area as agricultural. Housing density rights for the original have been exhausted with the creation of this parcel. There is a recorded deed restriction on the property prohibiting further residential development for the original farm.

Resource Protection Area: The property is outside the resource protection area.

Staff Comments: The property meets the dimensional standards of the zoning district. It is unclear if the applicant uses the existing accessory building in conjunction with his home business. If the accessory building is used for business activity, staff suggests the zoning be changed to A-2 (2) so that a conditional use permit may be obtained to run a limited-family business from the accessory building.

Town Action: Pending.

Staff Update: During conversations with County Staff, the applicant has requested that the zoning petition be amended to A-2(2) for potential use of the accessory building.
September 16, 2013

Thomas Willan
4407 Vilas Hope Road
Cottage Grove, WI  53527

RE:  Review of Rezoning Application DCPREZ-2013-10589

SITE:  4407 Vilas Hope Road, Section 7, Town of Cottage Grove

Dear Mr. Willan,

During the review of your rezoning application, it has been noted that a home business is being operated from the property at 4407 Vilas Hope Road. The proposed RH-1 Rural Homes zoning for your property only permits a home occupational business, limiting business activity to no more than 25% of the space in a principal building. See the attached ordinance page detailing home occupation limitations.

Please be aware that an accessory building used to house construction equipment and/or construction material for an active business would be considered a commercial land use. The operation of a commercial business within an accessory building under the RH-1 Rural Homes Zoning District would be considered a violation of Dane County Code of Ordinance section 10.09.

To avoid the potential of land use violations, Dane County Zoning Division is requesting that additional information be provided to describe your construction business activity on this property. Please answer the following questions:

1. Are the accessory buildings on your property being used to house construction equipment and/or construction material for Ironman Buildings? If not, where is the equipment stored?
2. Approximately how much space is being used in the principal building (residence) for the commercial activity?

Dane County Zoning Division would like to ensure that the appropriate zoning district is being assigned for the land use activities occurring on the property. A different zoning district classification may be more appropriate depending upon the existing or intended land uses.

If you have any questions or concerns regarding the rezoning of your property, please feel free to contact me directly at 266-9078.

Respectfully,

Roger Lane
Dane County Zoning Administrator

Cc:  Town of Cottage Grove Clerk
     Attorney Ryan Braithwaite, Crivello-Carlson
DEED RESTRICTION

Lot 1, Certified Survey Map No. 9121, being a part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 7, T7N, R11E, Town of Cottage Grove, Wisconsin.

Name & Return Address
James Vale
249 Sturges Street
Columbus, WI 53925

PARCEL NO. 09-071-072-9900-0

RESTRICTIONS

I. Whereas, C. J. Vale is the owner of the following described land in the Town of Cottage Grove, Dane County, Wisconsin, to wit:

To A-2
Lot 1, Certified Survey Map No. 9121, being a part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 7, T7N, R11E, Town of Cottage Grove, Wisconsin. (hereinafter the Property).

II. Whereas, said owner desires to place certain restrictions upon the Property to bind the owner and those who may acquire title hereafter.

III. Now, therefore, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase the Property and the parties named as beneficiaries, the following restrictions are hereby imposed:

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said property, their successors, heirs and assignees, and all parties holding under them (unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated).

1. There shall be no further divisions of the Property or development on the A-2 remnant acres of the Property unless prior written approval is obtained from the Town of Cottage Grove and City of Madison Plan Commission.

2. This Deed Restriction is an affirmation of the intent to maintain agricultural land use and to have no residential development on Lot 1 or further subdivision of said Lot 1 without approval of the Town of Cottage Grove, Dane County, and the City of Madison.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the Property subject to the restriction by the following parties who are named as grantees, parties and beneficiaries with enforcement rights:

(a) The County Government of Dane County, Wisconsin provided that the Property is under the jurisdiction of zoning ordinances of said County at the time of enforcement action is commenced.

(b) The Town Government of the Town of Cottage Grove, Dane County, Wisconsin provided that the Property is within the governmental jurisdiction of said Town at the time the enforcement action is commenced.

(c) The city of Madison, Dane County, Wisconsin and its Plan Commission provided that the Property is within the City's Extraterritorial Plat Approval Jurisdiction at the time the enforcement action is commenced.

(d) The owners(s) of record of any land(s) which are located within 300 feet of the subject site.

V. The following restrictions set forth in paragraph 3 above may be amended in the following manner:

(a) A written petition calling for the amendment of the restriction may be made by the persons who are, at the time of the petition, owners of the Property subject to the restrictions. Such petition shall be submitted to the Dane County Clerk and City of Madison Clerk who shall refer the petition to the Dane County Zoning and Natural Resources Committee and City Plan Commission, respectively (or successor committees), which committees shall schedule and hold public hearings on the petition in the same manner that public hearings for zoning amendment petitions are noticed and scheduled.
Following such hearing, the committees shall issue written reports on the petition to the County Board of Supervisors and the City of Madison Common Council who shall, by majority vote, approve or reject the petition. Only if approved by each governmental body shall petitioner’s be entitled to draft the amendment to covenant instrument, have same executed by the owner’s of the Property subject to the restrictions and record same.

(b) Such amendment shall also require approval of the Town Board.

VI. THE RESTRICTIONS SET FORTH IN PARAGRAPH 3 ABOVE MAY BE TERMINATED IN THE FOLLOWING MANNER:

(a) Termination may be accomplished through County Board and City Council approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in paragraph 5(a) hereof, except that petition shall call for termination rather than amendment of the restrictions and the instrument which is recorded shall be an instrument of termination. Such termination shall also require approval of the Town Board.

(b) A rezoning of the Property to a different zoning district shall also act to repeal the covenant controls but only upon prior written approval of the City of Madison; Common Council after receipt of a recommendation from the City Plan Commission.

VII. This Deed Restriction shall run with the land for an initial period of forty (40) years, be recorded in the office of the Dane County Register of Deeds and be binding upon the Owner, his heirs, successors and assigns, including purchasers and any successor assign having a subsequent interest in the Property. Rerecording of this Deed Restriction or any other document expressly referring to this Deed Restriction by any Party shall extend its effectiveness for an additional forty (40) year period.

VIII. This Deed Restriction shall be subject to enforcement by the City, County and Town by specific performance in a court of equity should the owner, his heirs, successors or assigns in interest, refuse to abide by the terms and conditions of the Deed Restriction. Such refusing person or entity shall pay to the City, County and/or Town all costs and reasonable attorney fees the governmental entity incurs to bring any action in specific performance in which the governmental entity prevails.

SIGNED AND SEALED IN THE PRESENCE OF:

[Signature]

C. J. Vale (James M. Vale, Power of Attorney for C. J. Vale)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Dane County
Expires: Oct 31, 99

Sheet 2 of 2
Description: The applicant would like to construct a secondary farm residence on their 180-acre farm. The proposed residence will be used by the farm owner with the original farm residence being inhabited by the farm owner's father.

Observations: The applicant has provided all the necessary information to verify that there is an active farm operation on the property. The farm produces soybeans and corn (cash crop). The proposed home will be located just south of the farm building cluster. The area consists of Class II soils. No other sensitive environmental features observed.

Town Plan: The property is located in the Agricultural Preservation Area. The Town of York density policy is based on one housing density right per 75 acres. The proposed farm residence will count as a housing density right. If approved, one housing density right will remain on the original farm.

Resource Protection Area: The building location is outside the resource protection area.

Staff Comments: Staff has prepared suggested conditions to comply with County ordinances regarding the limitations of a farm residence. See attached conditions.

Town Action: Approved with one condition.
Public Hearing Date  9/24/2013  Petition Number  2248  Applicant:  Daniel C. Hein

Town  York  A-1EX Adoption  9/10/1979  Orig Farm Owner  Robert Hein
Section:  13  Density Number  75  Original Farm Acres  177.21
Density Study Date  9/16/2013  Original Splits  2.36  Available Density Unit(s)  2

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 – CONDITIONAL USE PERMIT

Regarding Petition # DCPUD-2013-02240 Dane County ZLR Committee Public Hearing SEPTEMBER 24, 2013

Whereas, the Town Board of the Town of YORK 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: 3 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 (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

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

THE ORIGINAL FARM RESIDENCE WILL BE DEMOLISHED OR REMOVED WITHIN 2 YEARS OF WHEN THE RESIDENCE IS NO LONGER USED BY THE PARENTS OF THE FARM OWNER.

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, MARILYN WEILAND, as Town Clerk of the Town of YORK, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on SEPTEMBER 9, 2013.

MARILYN WEILAND
Town Clerk SEPTEMBER 16, 2013

Date
Roger,

Thank you for meeting with us. We are following up with the information needed to get on the Sept. 24, 2013 public hearing agenda.

1. Written description of farm operation
   a. Location of farm: 7217 Tri County Road Waterloo, WI 53594
   b. Size: 180 total acres with 140 acres tillable
   c. Crops grown: corn and soybeans. (no livestock)
   d. Number of employees: 0
   e. Summary of farm income: shown on (attached) Schedule F form
2. Schedule F form (attachment)
3. We do not qualify for the farm conservation plan
4. It was mentioned that you could provide the aerial photograph showing the farm ownership boundaries

Please advise that you received this e-mail and if more information is needed.

Thank you,
Dan and Sharon Hein
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

DANE COUNTY
CONDITIONAL USE PERMIT # 2248

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 # 2248 for a Secondary Farm Residence in A-1 Exclusive Agriculture Zoning District pursuant to Dane County Code of Ordinance Sections 10.123(3) and (11) and subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: Pending

THE CONDITIONAL USE SHALL BE LOCATED WITHIN THE BOUNDARIES AS DESCRIBED:

Tax Parcel number: 0912-134-8000-0

The NE ¼ of the SE ¼ of Section 13, T09N, R12E, Town of York, Dane County, WI

CONDITIONS:

1. A deed restriction shall be recorded with the Dane County Register of Deeds identifying the limitations of the residence being used specifically for the farming operation. The restriction will require that a certified survey map be approved and appropriate zoning be acquired, if the residence is ever separated from the 177-acre farm.
2. The residence may only be occupied by parents or children of the farm owner.
3. Rental of the residence to persons other than family members shall be considered a violation of this conditional use permit and will render the permit null and void.
4. The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd 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.
DEED RESTRICTION
Subject to
Conditional Use Permit #2248

Use black ink & print legibly

WHEREAS,

is owner of the following described real estate in the
Town of York, Dane County, Wisconsin further
described as follows:

Parent Parcel Number(s):
0912-134-8000-0

LEGAL DESCRIPTION:

The NE ¼ of the SE ¼ of Section 13, T09N,R12E,Town of York, Dane County, WI.
WHEREAS, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

- The County Government of Dane County, Wisconsin provided that the land is under the jurisdiction of said County at the time the enforcement action is commenced, and;

- The Town Government of the Town of York, Dane County, provided that the land is within the jurisdiction of said Town at the time the enforcement is commenced, and;

- The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed:

1. Pursuant to approval of Conditional Use Permit (CUP) #2248 for a secondary residence for a farm owner and operator in the A-1EX district, CUP #2248 shall expire upon sale of the property by Daniel and Sharon Hein to an unrelated 3rd party.

2. The residence located on the property shall only be used by a member of the farm owner’s family. Notice is hereby given that the county zoning committee may revoke CUP #2248 if the use is found to be in violation of the requirements of a secondary farm residence per section 10.123 Dane County Code of Ordinances.

3. The farm owner shall continue to meet the substantial farm income requirements. Notice is hereby given that the county zoning committee may revoke CUP #2248 if the use of the residence is found to be in violation of requirements of a secondary farm residence per section 10.123 Dane County Code of Ordinances.

4. Pending the sale of the property to an unrelated third party or revocation of CUP #2248, a new Conditional Use Permit shall be obtained from Dane County or the property shall be rezoned through the Dane County zoning map amendment process.
The restrictions set forth herein may be amended or terminated in the following manner:

1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

2. Upon approval of the petition calling for an amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.

3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

Date

Signature of Grantor (owner)

*Name printed

Date

Signature of Grantor (owner)

*Name printed

This document was drafted by:
(print or type name below)

Dane County Zoning Division

STATE OF WISCONSIN, County of ________________________________

Subscribed and sworn to before me on ________________________ by the above named person(s).

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07)

Print or type name: ________________________________________________

Title __________________________ Date commission expires: ____________
Description: The applicant would like to construct a single-family residence in conjunction with a proposed concrete contractor business located on the property.

Observations: The property is bounded by the WSOR railroad line on the east, and by an unnamed perennial stream on the west. There are wetlands and floodplain associated with this stream. The sensitive environmental areas have been separated from the proposed development area through a Certified Survey Map and zoned to Conservancy District. The proposed development area has been zoned to Limited Commercial to allow a concrete contractor business.

Town Plan: The property is located in the town’s Agricultural Preservation District. Housing density rights for the development have been accounted for by the recent zoning change. The Town Plan allows for limited commercial development in the Agricultural Preservation Area.

Resource Protection Area: The resource protection area on the property has been recently zoned to the Conservancy Zoning District.

Staff Comments: See attached suggested conditions.

NOTE: The development of this property will be subject to Shoreland Regulations.

Town Action: Approved with one condition.
TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02249 Dane County ZLR Committee Public Hearing Tuesday, September 24, 2013

Whereas, the Town Board of the Town of Dunkirk 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: 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 (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

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

The CUP will allow the home to be constructed within 36 months from the issuance of the CUP.

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, Melanie Huchthausen, as Town Clerk of the Town of Dunkirk, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, September 16, 2013

Melanie Huchthausen
Town Clerk

Date
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

DANE COUNTY
CONDITIONAL USE PERMIT # 2249

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 # 2249 for a Residence for the Business Owner and
outside storage of materials within the LC-1 Zoning District pursuant to Dane County
Code of Ordinance Section 10.111(3) and subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: Pending

THE CONDITIONAL USE SHALL BE LOCATED WITHIN THE BOUNDARIES AS
DESCRIBED:

Part of the Northwest ¼ of the Southwest ¼ of Section 23, T5N, R11E, Town of Dunkirk, Dane
County, Wisconsin being more particularly described as follows: Commencing at the West ¼
corner of said Section 23; thence along the North line of the said Southwest ¼ N89°04’49”E,
395.24 feet to the point of beginning; thence continuing along said North line N89°04’49”E,
72.25 feet to the Southwesterly right of way line of Wisconsin Department of Transportation
lands; thence along said right of way line S24°55’14”E, 1083.70 feet; thence S89°04’49”W,
555.98 feet; thence N21°47’54”E, 607.03 feet; thence N24°55’14”W 470.77 feet to the point of
beginning. Containing 206,953 sq. ft. or 4.75 acres. Being Subject to a public road right of way
for Leslie Road as mapped hereon.

CONDITIONS:

1. The residence may only be inhabited by the owner of the business on the property.
2. The construction on the residence may be delayed up to 36 months after the issuance of the
   conditional use permit.
3. Outside storage of material is limited to concrete forms. Storage of materials is permitted
   along the east side of the accessory building.
4. The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd 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.
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.

   No outdoor stockpiles, or hazardous waste stored on property.

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.

   We don't anticipate being excessively noisy or obtrusive to surrounding neighbors. There will be noise from the Bobcat while moving, organizing forms, etc.

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.

   Our plan is to shop next to the house, and adding on to existing driveway to house + shop, no other structures planned.

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

   No utilities on site yet. We plan to bring electricity back and have LP tank, well and septic.

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.

   We expect to have employees leave the shop between 6-7 am and return by 6 pm. We don't anticipate regular customer traffic.

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

   Minimal truck traffic. Leave in the Am, return to shop. Owner will be back and forth throughout day.
Eastside Concrete Construction, LLC
William & Erica Buss

We plan on building a 60'x 100' shop and a 1500 SF ranch style country home. We would have the office inside the home.

Our operating plan for the business is:

6 am to 6 pm - Employees would leave between 6 am to 7 am and return in the afternoon usually. Bill would be in and out working from the office bidding, estimating, etc. when not on job sites.

We don’t expect regular customer traffic, although we expect people to occasionally stop out to ask questions or request a bid.

Our work is usually 60% commercial/40% residential work with about 50/50% foundations and flatwork. We do not have a showroom or a demonstration area at the site. The anticipated shop would be for storage of vehicles, machinery (Bobcats), equipment (concrete saws, etc) and wall forms. We do not plan on having any stockpiles of materials.

The actual shop would have outdoor lighting on each side. We expect employee parking on the east side of the building. We will have no signage or loudspeakers. Trash removal will be every other week (usually Tuesdays).

We expect up to 6 employees. We are usually closed sometime in December through February (depending on weather).

We are not expecting excessive noise, or more noise than the neighboring farms. There will be Bobcat and truck noise. We do not use or store any hazardous materials.
Leslie Rd
CUP 2249
Vike / Buss

Legend

Wetland polygons
100-year Floodplain

Significant Soils

Class
Class 1
Class 2

Zoned to CO-1 Conservancy Under Petition #10502

Proposed house and accessory building

CUP 2249
Vike / Buss
Zoning and Land Regulation Committee

Public Hearing: August 27, 2013
Petition: Rezone 10576

Zoning Amendment:
C-1 Commercial District to C-2 Commercial District

Town/sect: Pleasant Springs Section 09

Applicant: Sagen REV TR, Clifford

Survey Req. No

Petition:

Rezone 10576

Reason:
Development of Mini-warehouse on the property

Location:
2788 Koshkonong Road

Description: Applicant is requesting to change an existing commercially zoned area to C-2 Commercial to allow mini-warehouses on 4.3-acre portion of the larger 19.5 acre property.

Observations: Commercial zoning was established on the property in the 1960’s for a tavern. The tavern has since closed down. There is an existing residence on the property that straddles the zoning district boundary lines. An intermittent stream and small pond is located on the 20-acre property. The property consists entirely of Class II soils.

Town Plan: The 4.3 acre commercially zoned area of the property is located in the town’s Highway Interchange planning area. Town plan policies provide for limited retail and highway-oriented commercial uses that are compatible with existing uses and the rural character of the area.

Resource Protection Area: There is an area of Resource Protection Corridor associated with an unnamed intermittent stream present on the property.

Dane County Highway Dept.: No access will be allowed on County Highway N.

Staff Comments: The proposed use appears to be consistent with some of the town plan policies. The zoning district boundaries may need to be adjusted to steer development away from the sensitive environmental features of the land, as well as, the currently cropped fields. If approved, staff suggests limiting the types of land uses on the property and prohibiting the installation of billboard signs.

8/27 ZLR Action:
Motion by Hendrick / Kolar to postpone until town action is received; motion carried, 5-0. YGP:1-0.

Town Action: Denied. The Town of Pleasant Springs felt that the land use was incompatible with the surrounding area.

Staff Update: Given the Town’s determination, Staff suggests that the existing C-1 zoning district remain on the property to foster retail and highway-oriented commercial uses.
TOWN BOARD ACTION REPORT – REZONE

Regarding Petition #10576

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/24/2013

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

Town Planning Commission Vote: 0 in favor 7 opposed 0 abstained
Town Board Vote: 0 in favor 4 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.

The Town denied the request based on incompatibility with the Town's Land Use Plan.

I, Cassandra Suettinger, as Town Clerk of the Town of Pleasant Springs, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 9/17/2013

Town Clerk: Cassandra Suettinger
Date: 9/18/2013
Chapter 17 - Land Use

Introduction

The Town of Pleasant Springs is located in an area of Dane County that offers many opportunities. The town generally has a rural character, with many fine farms on productive agricultural soils. Urban influences are increasing with the City of Madison only a few minutes away via Interstate 90, which crosses the northern part of the town. To the south, the City of Stoughton continues to annex productive farmland from the town. The western portion is dominated by Lake Kegonsa, development around the lake, and Lake Kegonsa State Park. Lake Kegonsa, which is the fourth of the Yahara River’s chain of lakes, provides recreational opportunities to many residents and visitors.

Over the years, a number of developments have been created within the town. These developments result in greater demand for public services. While the town is not opposed to growth and development, there is concern that such development be properly planned and located. The town has adopted subdivision and land division ordinances to ensure planned growth and development. Other concerns include preservation of agricultural land; protection of sensitive environmental areas, especially as they relate to Lake Kegonsa and the Yahara River; and encouragement of wise and efficient use of other resources.

The town adopted the A1-Exclusive Agricultural District pursuant to the Dane County Code of Ordinances Section 10.123 on June 6, 1978. The adoption ensured that preservation of farmland and rural character became the single most significant and unambiguous statement of land use policy for the town. Further, the Plan Commission and Town Board have been diligent in the application of the adopted policies and guidelines of the Town of Pleasant Springs Land Use Plan. First written and adopted in October 1978, and subsequently amended most recently in September 2002, the Plan remains the consistent controlling document governing land use decision-making in the town. The Plan is used in conjunction with the town subdivision ordinance and the Dane County Code of Ordinances relating to zoning, stormwater management, shoreland and flood-plain management, non-metallic mining, and land and subdivision regulations. The Land Use Plan is included here in its entirety as part of this Comprehensive Plan.

The land use objectives and policies for the Town of Pleasant Springs provide direction for citizens and officials in making decisions about future growth and development. The town’s land use policies range in nature from general to highly detailed. The policies have been closely coordinated with relevant provisions of the Dane County Code of Ordinances. The policies are considered in combination with other appropriate policies, and follow the various land use regulatory powers granted to the several levels of government.

GENERAL LAND USE GOALS, OBJECTIVES, AND POLICIES

The Town of Pleasant Springs is blessed with productive farms, diverse natural resources, quiet neighborhoods, and a picturesque rural atmosphere. The predominant land use in the town is agriculture. Residents value the rural lifestyle and landscape. As illustrated by the survey results, Town residents want to retain and enhance these characteristics long into the future.

The following land use goals, objectives, and policies reflect these desires and are designed to ensure the long term quality of life in the Town by preserving farmland, protecting environmental resources, and
growing in a responsible, well planned manner while respecting the property rights and responsibilities of landowners.

**Goal**
The Town of Pleasant Springs’ primary land use goal is to maintain the quality of life in the town by preserving productive farmland and the rural character of the town.

**Objectives:**
1. Avoid siting incompatible land uses in proximity to one another, and minimize the negative effects of incompatible land uses that adjoin each other.
2. Limit residential, commercial, and other types of development to a scale and density compatible with the rural character of the town.
3. Preserve productive agricultural lands.
4. Increase cooperation with governmental agencies regarding implementation of farmland preservation policies and the tax credit program.
5. Discourage extensive urban growth around the lake and river to avoid the deteriorating effect of urban runoff on water quality and the need to provide additional public services.

**General Policies:**
1. Establish residential density policies and regulations that result in the protection of valued resources and recognize existing physical limitations (e.g., woodlands, water).
2. Preserve environmental corridors (defined as linear areas in the landscape containing concentrations of natural resource amenities, as well as scenic, recreational, and historic resource amenities.)
3. Protect scenic vistas and slopes over 12% by restricting development.
4. Require that rezoning or development proposals comply with all applicable provisions of this plan.
5. The cost of land development shall be the responsibility of the developer. Costs may include, but are not limited to, preparation of site plans, developer’s agreement, town legal fees, parkland dedication fees, survey instruments, sewer service / utility extensions, and road or other necessary or required improvements.
6. Buffer areas or screening may be required between incompatible land uses to minimize potential negative effects. Buffers may include areas of open space, landscaping, fencing/screening, noise abatement, or lighting restrictions.
7. Continue to enforce the Uniform Dwelling Code.
8. Apply siting and design criteria to ensure development projects are aesthetically pleasing and protect the public health, safety, and welfare.
9. Encourage the preservation of important views and landmarks in order to maintain visual character and reinforce community identity.
10. Ensure that development of new cellular towers is consistent with Dane County’s ordinance regarding the procedure and standards for the placement, construction, or modification of communication towers. The town may consider the potential visual and aesthetic impact of a proposed cell tower site when making its recommendation to Dane County and may request that alternative sites be reviewed. The town may also apply other applicable siting criteria and standards when reviewing proposals.
11. Implement and enforce the provisions of this plan consistently.

12. In keeping with the objective of preserving the rural character and limiting non-farm residential use to a low density, generally single-family residential zoning is appropriate. The only exception is to allow two-family (duplex and/or condominium) use of existing large houses that fit the criteria detailed in the housing element. Since most conversion will involve farmhouses, the Plan Commission and Town Board will have to apply judgment in applying the criteria to specific houses and associated farm buildings.

13. Prevent strip residential development along county highways or town roads to protect the use of roadways for moving traffic and to provide a better design for low-density rural development.

14. Follow the density standards established by this plan for each of the planning areas identified on the future land use map.

**LAND USE GOALS, OBJECTIVES, AND POLICIES BY PLANNING AREA**

As shown on Map 21.

**Exhibit 86 Land Use Planning Areas**

<table>
<thead>
<tr>
<th>Base Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Description</strong></td>
</tr>
<tr>
<td>Agricultural Preservation</td>
</tr>
<tr>
<td>Highway Interchange Commercial</td>
</tr>
<tr>
<td>Agricultural Transition</td>
</tr>
<tr>
<td>Pleasant Springs Sanitary District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overlay Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Description</strong></td>
</tr>
<tr>
<td>Wetlands</td>
</tr>
<tr>
<td>Floodplain</td>
</tr>
<tr>
<td>Public resource land</td>
</tr>
</tbody>
</table>
d. Agricultural density policies apply and the conversion will count for two housing units.

**Development Siting Standards & Criteria within the Pleasant Springs Sanitary District**

Development within the Pleasant Springs Sanitary District shall comply with the following siting and design standards and criteria. The town may require a detailed site plan be submitted for proposed development.

Any proposed development shall:

1. Fit with character of existing neighborhood development (i.e., scale/density/design).
2. Provide adequate park/open space, where appropriate.
3. Meet or exceed county erosion control and stormwater management standards.
4. Incorporate landscaping design that buffers incompatible uses.
5. Provide signage compatible with neighborhood/rural character, as appropriate.
6. Be designed to minimize negative environmental impacts. No development shall be permitted within the 100 year flood plain.

**HIGHWAY INTERCHANGE AREA**

**Description**

This planning area is designed to provide opportunities for limited retail and highway-related commercial development that provide goods or services required by town residents, or uses that require a rural location with access to the county highway network and interstate. This planning area is not intended to accommodate any major commercial development requiring the full range of urban services (sewer, water, fire, police).

**Goal**

The primary goal for this planning area is to accommodate limited highway-related commercial development of a nature and scale compatible with the rural character of the town.

**Objectives**

1. To avoid expenditure of public funds or incurring municipal debt for the provision of municipal services usually associated with commercial and industrial development.
2. To consider commercial rezoning requests only for specific development plans. Proposals that are speculative in nature shall be discouraged.
3. Any proposed development should be compatible with existing, neighboring uses.

**Policies**

While acknowledging some legitimate places for small businesses in rural areas, the town does not intend to be urbanized or provide urban services. Therefore, the policies are designed to limit the size, intensity, and
location of the uses. The conditional rezoning provision will be used to set specific limits on the use. When businesses grow, they are expected to move to appropriately served urban service areas, since the town intends to remain rural.

1. Retail and highway services will only be considered at the I-90/CTH N interchange where compact, convenient, and highway-oriented businesses may be allowed. Due to existing development and access controls, any additional development may be required to make joint use of access points, and/or make improvements to existing access points. The town will not expend public funds for construction of frontage roads or other public services.

2. Other small commercial development may be allowed along CTH N, CTH MN near Interstate 90, and CTH B at US Highway 51 with the following conditions:

   a. Maintenance of the rural character objective will be an important consideration when considering any type of development or expansion.
   
   b. Commercial properties will be regulated with conditional zoning, in order to limit the range and scale of uses, promote the health, safety, and welfare, and to enable the town to review successive uses. Such limitations may include, but are not limited to: restrictions limiting permitted uses or further division of parcels, site design requirements, hours of operation, signage, screening/landscaping, lighting, noise abatement, erosion/stormwater control measures, access, parking, and outside storage facilities.
   
   c. The use will be limited to one requiring a septic system no larger than one required for a single-family home.
   
   d. Access will not adversely affect traffic capacity. The town may request that the Dane County Highway and Transportation Department review a proposal and make recommendations, including any necessary improvements prior to taking action on the proposal.
   
   e. Truck and equipment will be limited to twelve pieces of equipment total. For example, a semi-tractor and trailer are considered separate pieces of equipment.

3. Residential development within the Highway Interchange Area is generally discouraged, unless the residential use is for a watchman or caretaker of a business, or the commercial use is home-based.

4. Industrial development shall not be permitted. Industrial development requires the full range of urban services and is not compatible with the town’s rural character.

**Development Siting Standards & Criteria within the Highway Interchange Area**

The Town shall apply the following standards and criteria for development within the Highway Interchange Area. These provisions are intended to ensure that proposed development does not negatively affect the general health, safety, and welfare of the town’s residents and natural resources.
Any proposed development within the Highway Interchange Area shall:

1. Fit with character of existing commercial development (i.e., scale/density/design).
2. Provide adequate and safe ingress/egress.
3. Provide signage generally compatible with the rural character of the town.
4. Meet or exceed county erosion control and stormwater management standards.
5. Meet county zoning ordinance parking standards.
6. Meet county highways standards for vision corner, site distances, emergency vehicle access, acceleration/deceleration, signage, etc.
7. Industrial development shall not be permitted. Industrial development requires the full range of urban services and is not compatible with the town's rural character.
8. The following additional considerations and standards may apply to proposed development.
   a. Light pollution control (e.g., shrouded lighting)
   b. Noise abatement measures
   c. Site design and location (e.g., building envelope)
   d. Landscaping or screening (e.g., natural or man-made buffers between incompatible uses)
   e. Driveway design, distance, and location

**Development Factors**

A wide range of factors will ultimately affect land use in Pleasant Springs. A number of these are naturally occurring, such as wetlands, hydric soils and navigable waterways. Map 22 provides a pictorial representation of some of those factors as they affect specific areas of the town.

Wetlands and floodplains are found along the Yahara River, and throughout various other areas of the town. In addition, hydric soils are found in many other areas. Hydric soils are defined as soils that are formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. They are one of three criteria used for delineating wetlands, therefore the presence of hydric soils indicates that the presence of wetlands should be considered.

Some smaller areas having steep slopes, or slopes greater than 12 percent, are also found throughout Pleasant Springs. Although these slopes do not prohibit development, they create additional considerations including a greater need for post-development erosion control, and issues with road construction, maintenance, and safety. It is also important to recognize that areas with slopes greater than 12 percent are typically designated as environmental corridor at the time the land is brought into an urban service area.
Date:    July 9, 2013

To:      Zoning & Land Regulation Committee

From:  Daniel Everson, Land Division Review

Re:    Cherrywood Forest (final plat)
        Town of Middleton, Section 30
        (21 residential lots, 3 outlots 29.7 acres)
        Review deadline – August 25, 2013

Staff recommends the following conditions that will be applicable in approving the final plat.

1. All public land dedications shall be clearly shown.

2. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
   - 21 proposed residential dwelling units = 36,750 square feet of land.
   - OL 3 shows 217, 279 square feet being dedicated to the public for park purposes.

3. All public land dedications are to be clearly designated “dedicated to the public.”

4. Compliance with the Dane County Comprehensive Plan is to be established.
   - See attached memo from Curt Kodl, Senior Planner dated April 12, 2013.

5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
   - Dane County Surveyor approval is to be obtained.

6. Utility easements are to be provided.

7. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Windsor.

8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.

9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. Street lights and street signs shall be provided in accordance with applicable town specifications.

11. The improvements shall be installed and approval of a final plat shall be given only after the work has been completed or there shall have been filed with the appropriate governmental jurisdiction or with the committee, one of the following:
   - Surety bond in an amount sufficient to complete the work.
   - Certified check in an amount sufficient to complete the work.

12. The required approval certificates are to be satisfied.
As requested by the ZLR, staff provides analysis of subdivision plats comparing them against the local and county comprehensive plans. In this case, the analysis is of the consistency between the Cherrywood Forest Subdivision plat located in the Town of Middleton and the goals, objectives and policies of the Dane County Comprehensive Plan. This rezone is a 21 lot subdivision (plus 3 outlots) in Section 30, about 1500 feet south of W. Mineral Point Road, just west of Tumbledown Trails Golf Course.

ANALYSIS

Below is a synopsis of the plat’s conformance to various provisions of the Town of Middleton, and Dane County comprehensive plans:

TOWN OF MIDDLETON PLAN

As you can see, the current Town Adopted *Town of Middleton Comprehensive Plan* (and adopted by Dane County) has this area designated as a Residential and Open Space use. The designated open space roughly matches where the proposed outlots would be.

Some Policies in place for residential development are:

1. Encourage the preservation of existing stone rows in good condition, fence lines and tree lines with mature native vegetation as defined by Town Ordinance.

2. Subdivisions and certified surveys should be designed to blend with the natural contours of the land, to improve appearance and to minimize disturbance to the site.

3. Require stormwater runoff and erosion control plans for all proposed subdivisions.
Dane County Comprehensive Plan
Land Use
This property is planned for Rural Development/Transitional in the Dane County Comprehensive Plan, subject to the following policies:

**Rural Development And Transitional Areas** -- Within Rural Development or Transitional Areas as identified in town plans adopted by the county board (See Chapter 8: Intergovernmental Coordination):

1) Continue to promote limited, compact, and efficient development;
2) Encourage the use of conservation design, Transfer of Development Rights, site planning, design review and other techniques to ensure compatibility with agricultural, natural resource and open space use, and with neighboring communities;
3) Develop opportunities and guidelines for limited, multi-family senior housing in unincorporated Rural Development and Transitional Areas to serve local aging populations, and;
4) Continue to refer to town plans adopted by the county board for detailed land use policies within Rural Development and Transitional Areas.

Intergovernmental Cooperation
- A major focus of the Dane County Comprehensive Plan was intergovernmental cooperation and cooperative planning efforts. The Town of Middleton has agreements in place with the City of Madison and the City of Middleton. This site is just outside of the Town Ordinance Transition Area.

Water Quality and Minimum Lot size

Per the Addendum in the Town of Middleton section of the Dane County Comprehensive Plan: page 9-4 "5. New Development (CSM or Plat) in the Town of Middleton is subject to the Town of Middleton Land Division and Subdivision Ordinance and shall have a maximum gross density of 1 Dwelling Unit Per Acre."

While only 2 of the 21 residential lots are 1 acre or more, the overall gross density is 1 house per 1.36 acres.

Transportation

Of some concern would be the traffic increase on Kempfer Lane. Even though there are 3 roads that end at the edge of the plat, the entire plat would enter and exit through Kempfer Lane. Currently, Kempfer Lane is a cul-de-sac that has only 7 homes on it. However, once off Kempfer Lane, the cars may choose to leave the area through Mineral Point Rd. or Timber Lane.

Natural Resources
- There are some Resource Protection Corridors in the northeast corner of the property around an intermittent stream. The stream and existing woodlands are part of the proposed out lots 1 and 3. In total, proposed green space is adjacent to 13 of the 21 residential lots. Additionally outlot 2 also connects to greenspace on the property adjacent to the northwest (a Town of Middleton Park).

Conclusion
The proposal fits some of the surrounding neighborhood (residential to the west) and puts the environmental features into outlots. The plat averages 1 house every 1.36 acres (21 lots over 28+ acres) with integrated greenspace. There appears to be no major conflicts with the Dane County Comprehensive Plan. If you have any questions, please do not hesitate to contact me by phone at (608) 266-4183, or by email at kodl@countyofdane.com.
DATE: July 31, 2013

TO: Tom Goff

FROM: Ryan Shore
Urban Erosion Control Analyst

RE: Cherrywood Forest—Erosion Control Plan, EC2013-0033 - REVISED

The submitted erosion control plan meets the needs of the site. The plan includes the following requirements:

1. The site may only be accessed from Kempfer Lane via stone tracking pad. The pad must be a minimum 50’ x 24’ x 12”d constructed of 3” clear stone. Material tracked onto public roads must be removed at the end of each workday and the tracking controls improved prior to resuming construction traffic.

2. Stone weepers must be installed and maintained for the duration of land disturbing activities as detailed in the Grading and Erosion Plan.

3. Silt fence must be installed at the locations shown on the Grading and Erosion Plan.

4. Grading must be confined to the areas shown on the plan. No material storage, vehicle traffic or grading may occur in the areas identified as “undisturbed” or “vegetated buffer” on the plan. In the event any of these areas are disturbed, additional erosion control measures will be required.

5. The plan includes a construction schedule as follows:

   Grading and construction is scheduled to begin upon permit issuance.

   All disturbed areas on site must be permanently seeded and mulched by November 15, 2013.

The construction site must follow the plan according to the schedule approved by Dane County Land Conservation. **This permit will expire on the stabilization date included in the plan (November 15, 2013) and may be amended prior to permit expiration only.** This review is for the erosion control requirements of Chapter 14, Dane County Code of Ordinances only and other approvals may be necessary. **The permit card from Land Conservation must be displayed onsite prior to disturbing ground.**

Cc: Bruce Hollar, P.E. D’Onofrio Kottke & Assoc.
IRREVOCABLE LETTER OF CREDIT NO. 70543596

ISSUE DATE: September 12, 2013

PROJECT NAME: Cherrywood Forest (hereinafter "DEVELOPMENT")
Town of Middleton, Dane County, WI

DEVELOPER'S NAME: Goff Construction and Real Estate, Inc. (hereinafter "DEVELOPER")

BENEFICIARY: Town of Middleton
Attn: Town Clerk
7555 W. Old Sauk Road
Verona, WI 53593

We hereby establish our Irrevocable Letter of Credit in favor of the Town of Middleton, available by your drafts at sight on Starion Financial, (hereinafter the "BANK") located at 1651 John O Hammons Drive Suite 100, Middleton, Wisconsin, for a sum or sums not to exceed a total amount of Five Hundred Thirty-Nine Thousand Dollars and Zero Cents ($539,000.00) for the account of DEVELOPER.

Drafts will be honored by the BANK within five (5) business days when evidence that an official written demand by the Town of Middleton had been made to have the DEVELOPER complete certain work and/or pay certain costs to contractors, subcontractors, laborers, or suppliers for work and/or materials furnished, evidence of the failure, refusal, or inability to complete certain work and/or pay contractors, subcontractors, laborers, or suppliers; and/or evidence of the failure, refusal or inability to pay for legal, administrative, engineering, inspection, testing services, park fees, park Impact fees, and/or Airport Road impact fees, in accordance with the Developer Agreement regarding improvements in the DEVELOPMENT, dated September 13, 2013. Replacement or extended Letters of Credit must be received by the beneficiary 14 days prior to expiration date.

Upon written request by the DEVELOPER and determination by the Town Board, upon recommendation of the Town Engineer, that the DEVELOPER has reached substantial completion of public improvements within the DEVELOPMENT, the Town Board, at its discretion, may allow the DEVELOPER to reduce the Letter of Credit to no less than fifteen percent (15.0%) of the original amount during the warranty period for completed items. The letter of credit that has been reduced must also include 125% of those items that are not completed or satisfied.

Your drafts must be accompanied by the following:

(1) The original Letter of Credit and subsequent Amendments.

(2) Dated beneficiary statement signed by the Town Clerk warranting that the DEVELOPER has failed to meet its monetary obligation.
Irrevocable Letter of Credit No. 70543596
Issue Date: September 12, 2013
Page 2

Partial drawings are permitted. All drafts drawn must be marked: "Drawn under Starion Financial, Letter of Credit No. 70543596, dated September 12, 2013."

Except to the extent otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

BANK hereby engages with DEVELOPER that all drafts drawn under and in compliance with the terms and conditions of this credit will be duly honored upon presentation to Starion Financial / 1651 John Q Hammons Drive Suite 100, Middleton, WI 53562 / 608-829-4552, on or before the Expiration Date September 12, 2014. Notwithstanding such Expiration Date, however, it is a condition of this credit that it shall not expire until 60 days after written notice to BENEFICIARY, by courier or other receipted means, that it is about to expire.

This Letter of Credit is for Cherrywood Forest and the Developer Agreement costs related to Placement of Interior Lot and Corner Monuments, Street and Stormwater Management Improvements, Landscape Plan Improvements, and past due engineering, legal or administrative costs, and review costs. Any payments and/or disbursements to BENEFICIARY made by the BANK pursuant to a Line of Credit to the DEVELOPER for the subject matter herein shall be an automatic reduction to the principal amount of the Letter of Credit.

Andris A. Arias
Authorized Representative of the BANK

Starion Financial
CHERRYWOOD FOREST
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 80,
T7N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Grant T. Steenhoop, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped the area, and am familiar with the purpose for which the plat was prepared and understand the extent of my responsibility in the survey, the subsequent preparation and submission of the plat, and the manner in which the plat is to be used.

The plat is intended for the purpose of conveying land by plat, and the plat is to be used in the manner described in the plat and in accordance with the requirements of the Town of Middleton and the Wisconsin State Statutes.

The plat was prepared and submitted in accordance with the requirements of the Wisconsin Statutes and the Wisconsin Building Code.

The plat was also reviewed and approved by the Town of Middleton.

The plat was prepared and submitted by the Surveyor, Grant T. Steenhoop, on [Date].

[Signature]
[Stamp]
[Stamp]
[Stamp]

NOTES:

1) Distances shown along curves are chord lengths.
2) Distances, lengths and widths are measured to the nearest 0.00 foot.
3) Undelineated streets, rows shown on lot lines were required and are unclassified by the Town of Middleton.
4) Surveys 1 and 3 shall be signed and sealed by the Surveyor of Westmoreland, Inc.
5) Survey is subject to the Town of Middleton, Wis., from the Surveyor of Westmoreland, Inc.
6) Survey is also subject to the Public Recreation and Trail Commission of Middleton County, the County of Dane and Middleton, the Wisconsin Department of Natural Resources and the Wisconsin State Statutes.
7) The survey is subject to all applicable laws and regulations of the Town of Middleton.
8) The survey was prepared and submitted in accordance with the requirements of the Wisconsin Statutes and the Wisconsin Building Code.
9) The survey is subject to all applicable laws and regulations of the Town of Middleton.
10) The survey was prepared and submitted by the Surveyor, Grant T. Steenhoop, on [Date].
CHERRYWOOD FOREST
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 30, T17N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Goff Construction & Real Estate, Inc., a limited liability company, hereby certifies that it owns the land described on this plat to be surveyed, divided, mapped, and dedicated as represented herein and there are no outstanding claims or liens against the same. The plat of "CHERRYWOOD FOREST" has been approved for recording under the laws of the State of Wisconsin, mortgagee of the above described tract of land, does hereby consent to the certificate of the owner's certificate. The plat is hereby approved for recording per Dane County Zoning and Land Regulation Committee per the action thereof on this day of , 2013.

IN WITNESS WHEREOF, said Menomonie Investors, LLC has caused these presents to be hereunto affixed on this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

COUNTY TREASURER CERTIFICATE

I, David Shaw, Treasurer, Town of Middleton, do hereby certify that in accordance with the records in my office there are no unpaid taxes or special assessments as of this day of , 2013. There are no unpaid taxes or special assessments as of this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

TOWN TREASURER CERTIFICATE

I, David Shaw, Treasurer, Town of Middleton, do hereby certify that the above is a true and correct copy of a resolution adopted by the Town Board of the Town of Middleton on this day of , 2013.

Notary Public, Dane County, Wisconsin

TOWN BOARD APPROVAL CERTIFICATE

IN WITNESS WHEREOF, said Menomonie Investors, LLC has caused these presents to be hereunto affixed on this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

CONSENT OF CORPORATE MORTGAGEE

In accordance with Section 236.12, Wis. Stats. as provided by s. 236.12, Wis. Stats. and s. 18.110, Wis. Stats., the mortgagee of the above described tract of land, does hereby consent to the surveying, dividing, mapping, and dedication of the land described on this plat, and does hereby consent to the certificate of the owner's certificate, the plat of "CHERRYWOOD FOREST" has been approved for recording under the laws of Wisconsin, mortgagee of the above described tract of land, does hereby consent to the certificate of the owner's certificate. The plat is hereby approved for recording per Dane County Zoning and Land Regulation Committee per the action thereof on this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

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COUNTY OF DANE

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IN WITNESS WHEREOF, said Menomonie Investors, LLC has caused these presents to be hereunto affixed on this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

TOWN BOARD APPROVAL CERTIFICATE

IN WITNESS WHEREOF, said Menomonie Investors, LLC has caused these presents to be hereunto affixed on this day of , 2013.

Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

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Notary Public, Dane County, Wisconsin

STATE OF WISCONSIN
COUNTY OF DANE

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Notary Public, Dane County, Wisconsin
BY HAND DELIVERY

September 17, 2013

Mr. Dan Everson
Dane County Planning Department
City County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703

Re: Wood Ger Development

Dear Mr. Everson:

On behalf of JAD Land Development LLC, we are hereby requesting that the requirement that surety be provided for public improvements at the time of recording the plat be waived and that in lieu thereof, the developer will record a restriction prohibiting any land within the plat from being transferred to any third party (other than a bona fide lender providing a mortgage for the eventual letter of credit), without the consent of the Town of Burke and Dane County. In addition, the restriction would prohibit any public improvements from being installed in the plat unless the surety is provided. We have discussed this with the Town Attorney and we believe this will be acceptable to the Town.

Accompanying this letter is a copy of the proposed restriction referred to above, along with a check for the waiver application filing fee of $100.00.

The reason for this request is that the applicant desires to record the plat within the time allotted by Dane County, rather than refile the application and go through the plat approval process a second time. This would be wasteful of everyone’s time and money, including County staff. In order to do this, we need to proceed with plat recording at this time. However, the applicant plans to use the Huston construction firm from Cottage Grove to do the work on the public improvements for their plat. Given the schedule of projects they are now working on, we are uncertain whether they will be able to commence and complete construction of the public improvements yet this fall. We don’t want to start late in the season and leave areas open over the winter. Hence, we don’t want to get a letter of credit and incur bank fees and other costs now, when we are unsure whether this project will start now, as we may end up starting this in the spring of 2014. In order to work with the scheduling issues referred to above, given the fact that we are getting late in the construction season, we are requesting the waiver.
If you have any questions or concerns, please let me know. Thanks.

Sincerely,

BOARDMAN & CLARK LLP

Michael J. Lawton

MJL:tept
Enclosures
cc: Gerald G. Wood [by e-mail]
RESTRICTIVE COVENANT

The undersigned, JAD Land Development LLC, a Wisconsin limited liability company ("JAD"), being the owner of the real property located in the Town of Burke, Dane County, Wisconsin, more particularly described as the Plat of Wood Ger Development, Town of Burke, Dane County, Wisconsin, for good and valuable consideration, hereby declares that all of the lots and outlots within the Plat of Wood Ger Development are subject to the following restriction for the benefit of the Town of Burke and Dane County:

1. No lots or outlots within the Plat of Wood Ger Development, Town of Burke, Dane County, Wisconsin shall be transferred, sold or conveyed to any other party without the written approval of the Town of Burke and the Dane County Zoning and Land Regulation Committee (ZLR) (other than a mortgage to a bona fide financial institution to provide security for the irrevocable letter of credit to the Town of Burke required by the applicable land division improvements agreement between JAD and the Town of Burke). Upon the satisfaction of the following requirements:

   (a) the execution of an agreement for land division improvements between the Town of Burke and JAD for and in connection with such plat,
   (b) the furnishing by JAD to the Town of Burke of surety acceptable to said Town and in the amount required by the applicable land division improvements agreement to secure performance of said agreement for land division improvements,
   (c) the payment to the Town of Burke of all outstanding fees and assessments as required by the agreement for land division improvements, and
   (d) the completion of the public improvements required by the agreement for land division improvements between the Town of Burke and JAD,

JAD and the plat of Wood Ger Development shall be released from the restrictions of this instrument, and the Town of Burke and ZLR shall cause an authorized representative to execute such instrument upon request of JAD.

2. No public improvements within the plat of Wood Ger Development required by the applicable land division improvements agreement between JAD and the Town of Burke shall be constructed by JAD until such time as all of the requirements in paragraphs (a), (b) and (c) in section 1 above are fully met by JAD.

3. No release of the restrictions contained in this instrument as to any lots or outlots within the plat of Wood Ger Development shall take place until an instrument executed by an authorized representative of the Town of Burke and ZLR is recorded in the office of the Dane County Register of Deeds releasing the restriction as to the designated lots or outlots.

4. This instrument shall be binding upon JAD and its successors in interest as to any lots or outlots in the plat of Wood Ger Development for which this restriction has not been released by the Town of Windsor.
Dated this ___ day of September, 2013.

JAD DEVELOPMENT LLC

By: __________________________
   Gerald R. Wood, Member

By: __________________________
   Debra L. Wood, Member

STATE OF WISCONSIN
   )
   )ss.
COUNTY OF DANE

Personally came before me this ___ day of September, 2013, the above-named Gerald R. Wood and Debra L. Wood, as Members of JAD Development LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

______________________________
Notary Public, State of Wisconsin
My Commission: __________________

This Instrument Drafted By and
To Be Returned To:
Michael J. Lawton
Boardman & Clark LLP
P.O. Box 927
Madison, WI 53701-0927
Date: March 19, 2013

To: Zoning & Land Regulation Committee

From: Daniel Everson, Land Division Review

Re: Wood Ger Development (final plat)
    Town of Burke, Section 24
    (11 lots, 52 acres)
    Review deadline – April 22, 2013

The Zoning and Land Regulation Committee, at its meeting of March 20, 2012, conditionally approved the preliminary plat proposal.

The County Board approved rezone petition 10295 on July 21, 2011.

Planning staff recommends approval of the final plat, subject to the following conditions.

☐ Rezone Petition #10295 is to become effective and all conditions established are to be timely satisfied. (September 11, 2013)
  ⊗ Recording of a Subdivision Plat Map with the Dane County Register of Deeds.
  ⊗ The petitioner shall record a condominium removal document for the entire JAD Condominium Plat. The petitioner shall also remove the recorded storm water maintenance plan as note under Register of Deeds document #3760938.
  ⊗ A subdivision plat, pursuant to Wisconsin Statutes 236, shall be recorded with the Dane County Register of Deeds that defines the proposed lots as shown on the concept plan within 2 years.
  ⊗ The proposed “Maly Road” shall be dedicated to the public for road right-of-way. The road right-of-way shall extend from the eastern right-of-way line of Reiner Road to the north property line as depicted on the concept plan.
  ⊗ Lots 1 through 8 shall be deed restricted to limit the land uses to:


2. Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses
Lot 11 shall be deed restricted to limit the land uses to:

1. Retail sales limited to automotive parts and accessories - Major repairs to motor vehicles inside buildings - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses – Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses – Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business.

2. Conditional Uses that may be permitted are: Residence for a watchman or caretaker - communication towers - Governmental uses - Agricultural uses.

All property zoned C-2 within the subdivision plat shall be deed restricted to prohibit billboard signs.

Compliance with the Dane County Comprehensive Plan is to be established.

Lot boundaries and zoning district boundaries are to be coterminous.

All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.

The locations of existing driveways are to be shown.

The approximate locations of the intermittent stream(s) are to be shown.

The public parkland appropriation requirement is to be satisfied (private park land does not satisfy this requirement).

Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.

All public land dedications are to be clearly designated “dedicated to the public.”

Compliance with Ch. 14.45 DCCO, Erosion Control Plan is to be established.

Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established.

Utility easements are to be provided.

All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Windsor.

Street lights and street signs shall be provided in accordance with applicable town specifications.
The improvements shall be installed and approval of a final plat shall be given only after the work has been completed or there shall have been filed with the appropriate governmental jurisdiction or with the committee, one of the following:

- Surety bond in an amount sufficient to complete the work.
- Certified check in an amount sufficient to complete the work.

- Town of Burke approval is to be obtained.

- City of Madison approval is to be obtained with respect to the extraterritorial jurisdiction.

- A notation is to be included that states: “Lands covered by this plat are within an area subject to height limitations owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plat are required by law to restrict the height of trees, other vegetation and man-made structures to less than the height limitations set forth in that certain map dated April 24, 2008, entitled ‘Height Limitation Zoning Map, Dane County Regional Truax Field, Madison, Wisconsin’, said map being on file in the Dane County Clerk's office.”

- A notation is to be included that states: “Lands covered by this plat are located within an area subject to heightened noise levels emanating from the operation of aircraft and equipment from a nearby airport.”

- A notation is to be included that states: “Lots in this plat which are within 300-feet of the ordinary high water mark of the intermittent stream are subject to the Dane County Shoreland-Wetland Zoning regulations.”
MEMORANDUM

TO: Zoning & Land Regulations (ZLR) Committee
FROM: Pamela Andros, AICP, Senior Planner
SUBJECT: Wood Ger Development Plat, Town of Burke, S24
DATE: 03/8/2012

CC: Dan Everson, Assistant Zoning Administrator
Roger Lane, Zoning Administrator
Todd Violante, Director of Planning & Development
Pam Dunphy, Public Works, Highways & Transportation
Brenda Ayers, Town of Burke Clerk/Treasurer
Gerald and Debra Wood, applicants

As requested by the ZLR, staff provides analysis of subdivision plats comparing them against the local and county comprehensive plans. In this case, the analysis is of the consistency between the Wood Ger Development plat located in the Town of Burke and the goals, objectives and policies of the Dane County Comprehensive Plan. The Wood Ger Development plat is an 11-lot subdivision, with lot 11 accommodating existing buildings.

The Dane County Comprehensive Plan describes broad policy directions for new development, but refers to component town and municipal plans for detailed land use, subdivision and public infrastructure recommendations relevant at the subdivision plat scale.

The county adopted Town of Burke Land Use Plan identifies the subject property in the Token Creek Residential land use district. This plat is consistent with that district. The subject property is also in the Boundary Adjustment Area- Madison (BAA-M) of the Final Boundary Adjustment Areas for DeForest, Sun Prairie and Madison.

I hope this information is helpful, and would be happy to answer any questions you may have. Please feel free to contact me at andros@co.dane.wi.us or 261-9780 if I can be of any further assistance.
RE: Notice of Delayed Effective Date Deadline (Sep. 11, 2013) for Petition #10295

Please be advised that rezone petition #10295 in the Town of Burke will become effective once the following conditions are complied with by the Delayed Effective Date deadline date of Sep. 11, 2013.

CONDITIONS OF APPROVAL OF PETITION #10295

1. Recording of a Subdivision Plat Map with the Dane County Register of Deeds Office.

2. The petitioner shall record a condominium removal document for the entire JAD Condominium Plat. The petitioner shall also remove the recorded storm water maintenance plan as noted under Register of Deeds document #3760938.

3. A subdivision plat, pursuant to Wisconsin Statutes 236, shall be recorded with the Dane County Register of Deeds that defines the proposed lots as shown on the concept plan within 2 years.

4. The proposed “Maly Road” shall be dedicated to the public for road right-of-way. The road right-of-way shall extend from the eastern right-of-way line of Reiner Road to the north property line as depicted on the concept plan.

5. Lots 1 through 8 shall be deed restricted to limit the land uses to:

    Major repairs to motor vehicles inside buildings - Parking and storing of motor vehicles - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses - Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses - Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business
    Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses
6. Lot 11 shall be deed restricted to limit the land uses to:
Retail sales limited to automotive parts and accessories - Major repairs to motor vehicles inside buildings - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses – Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses – Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business

Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses

7. All property zoned C-2 within the subdivision plat shall be deed restricted to prohibit billboard signs.

If you have any questions, please contact our office at (608) 266-4266.

Sincerely,

[Signature]

Roger W. Lane III  
Zoning Administrator

Cc: Birrenkott Surveying (via email: birrenkott@spwl.net)

NOTICE:

• If a subdivision plat is required, please inform your surveyor to submit the subdivision plat as soon as possible. A survey submitted close to or on the deadline date may not be processed in time to meet the recording deadline. Zoning approval may become void.

• Failure to comply with the above conditions by the specified deadline date will make your Zoning Petition null and void. The time period may not be extended. Please provide Dane County Zoning with a copy of the recorded survey, deed restriction, and/or notice document. These are required for log entry, closing of files and notifications of effective date to the County Clerk and property owner.