

Dane County Conditional Use Permit Application

Application Date	C.U.P Number
11/28/2018	DCPCUP-2018-02450
Public Hearing Date	
02/26/2019	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME DEFOREST, VILLAGE OF	Phone with Area Code (608) 846-6751	AGENT NAME REUTER, WHITISH & EVANS, S.C.	Phone with Area Code (608) 250-9053
BILLING ADDRESS (Number, Street) 120 S STEVENSON ST		ADDRESS (Number, Street) 44 E MIFFLIN ST SUITE 306	
(City, State, Zip) DEFOREST, WI 53532		(City, State, Zip) MADISON, WI 53703	
E-MAIL ADDRESS		E-MAIL ADDRESS AREUTER@RWELAW.NET	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
4209 ANDERSON RD					
TOWNSHIP BURKE	SECTION 9	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-093-8581-4		---		---	

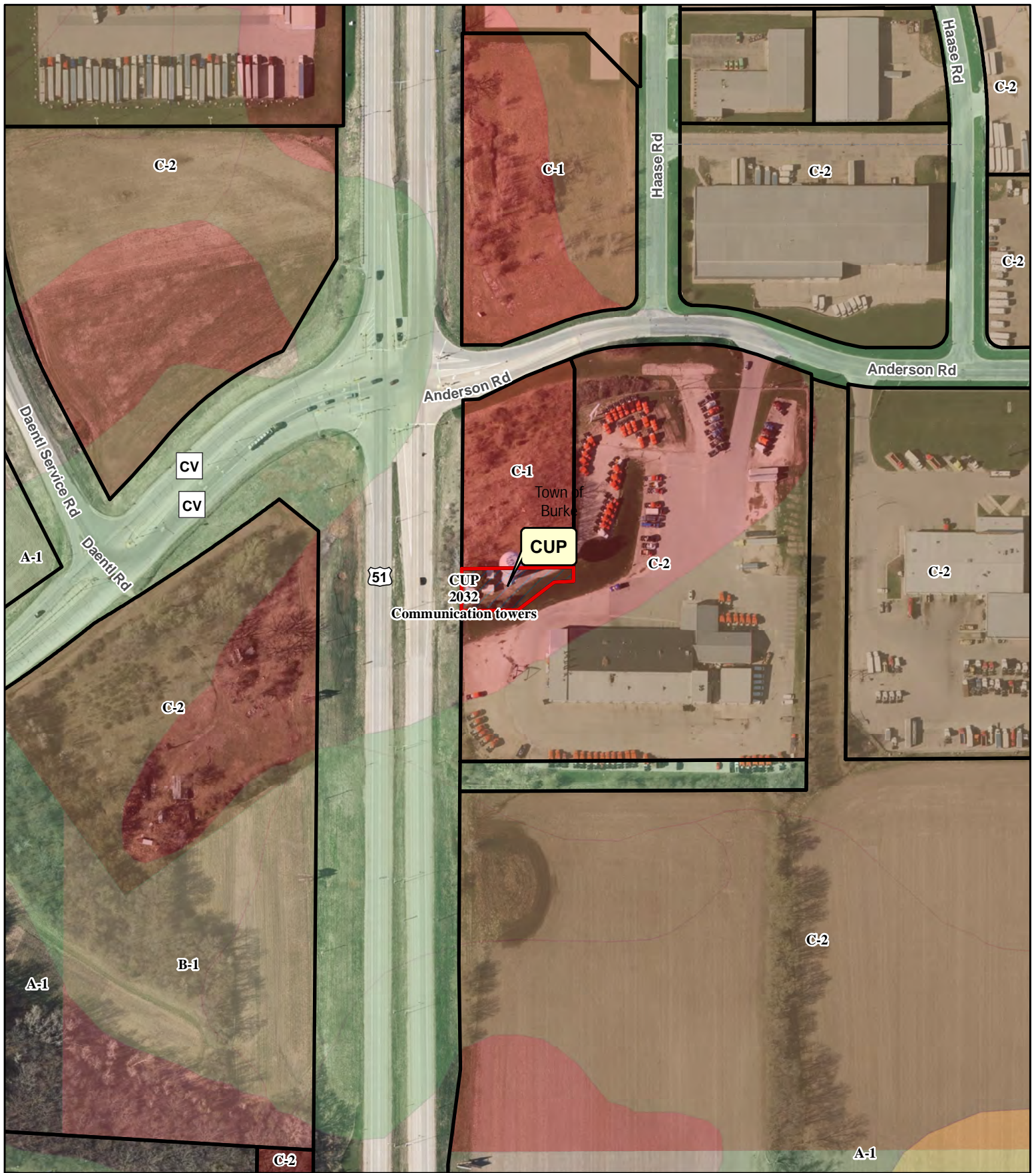
CUP DESCRIPTION

COMMUNICATION TOWER

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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10.14(2)(j)	.2
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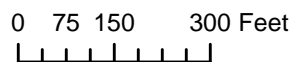
DEED RESTRICTION REQUIRED?	Inspectors Initials	SIGNATURE:(Owner or Agent)
<input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	HJH3	PRINT NAME:
		DATE:



Legend

Wetland > 2 Acres Significant Soils

- Wetland
- Floodplain
- Class 1
- Class 2



**CUP 02450
DEFOREST, VILLAGE OF**



KwikTrip, Inc.
(vacant)
C-1

JX Peterbilt
C-2

Village of DeForest
(vacant)
C-1

Subject

US 151

US 151

US 151

ETHOV

ETHOV

US 151

Case Rd

Case Rd



BIRD'S EYE AERIAL VIEW
 N.T.S

PARENT PARCEL DESCRIPTION:

BEING A PART OF CERTIFIED SURVEY MAP NO. 7441, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DANE COUNTY, WISCONSIN IN VOLUME 38 OF CERTIFIED SURVEY MAPS, PAGES 185-191, AS DOCUMENT NO. 2597792, AS PROPERLY CORRECTED BY AFFIDAVIT, VOLUME 27449 OF RECORDS, PAGE 44, AS DOCUMENT NO. 2601922 AND ALSO BEING LOCATED IN PART OF THE INTERSTATE PARK PLAT AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 10 EAST, TOWN OF BURKE, DANE COUNTY, WISCONSIN.

TITLE REVIEW

FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES
 COMMITMENT NO: NCS-634765-MAD
 EFFECTIVE DATE: SEPTEMBER 15, 2014

SCHEDULE B EXCEPTIONS:

1.-9. GENERAL STATEMENTS

10. LIMITATIONS IMPOSED UPON INGRESS TO AND EGRESS FROM THE ABOVE DESCRIBED PREMISES TO: U.S. HIGHWAY 51 INCLUDING RAMPS AND CONNECTION ROADS ON THE RIGHT OF WAY THEREOF, AS SET FORTH IN A FINDING, DETERMINATION AND DECLARATION BY THE STATE OF WISCONSIN HIGHWAY COMMISSION OF WISCONSIN, RECORDED: MARCH 21, 1994, IN VOLUME 288 OF MISC., PAGE 351, AS DOCUMENT NO. 914742, WHEREIN SAID HIGHWAY IS DESIGNATED A CONTROLLED-ACCESS HIGHWAY UNDER THE PROVISIONS OF SECTION 64.25 OF THE WISCONSIN STATUTES.

NO VEHICULAR ACCESS AS SHOWN ON CERTIFIED SURVEY MAP NO. 7441.

11. SPECIAL ASSESSMENTS, FEES OR CHARGES OWING TO ANDERSON ROAD ASSESSMENT DISTRICT UNDER INSTRUMENT RECORDED: JANUARY 29, 1965, IN VOLUME 11090 OF RECORDS, PAGE 25, AS DOCUMENT NO. 2064570.

12. WELL HEAD PROTECTION AND WELL ABANDONMENT ORDINANCES AS EVIDENCED BY AFFIDAVIT RECORDED: DECEMBER 28, 1993, IN VOLUME 26061 OF RECORDS, PAGE 48, AS DOCUMENT NO. 2598854.

13. RESTRICTION ON USE SET ON CERTIFIED SURVEY MAP NO. 7441: "FOR LOCATION OF AN ELEVATED TANK."

14. RIGHT-OF-WAY GRANT RECORDED: MAY 5, 1999, AS DOCUMENT NO. 3109280.

15. RIGHT-OF-WAY GRANT RECORDED: AUGUST 23, 2000, AS DOCUMENT NO. 3245038.

16. AFFIDAVIT RE: EASEMENT RECORDED: JULY 27, 2001, AS DOCUMENT NO. 3353409.

17. MEMORANDUM OF LEASE RECORDED: DECEMBER 7, 2001, AS DOCUMENT NO. 3412312.

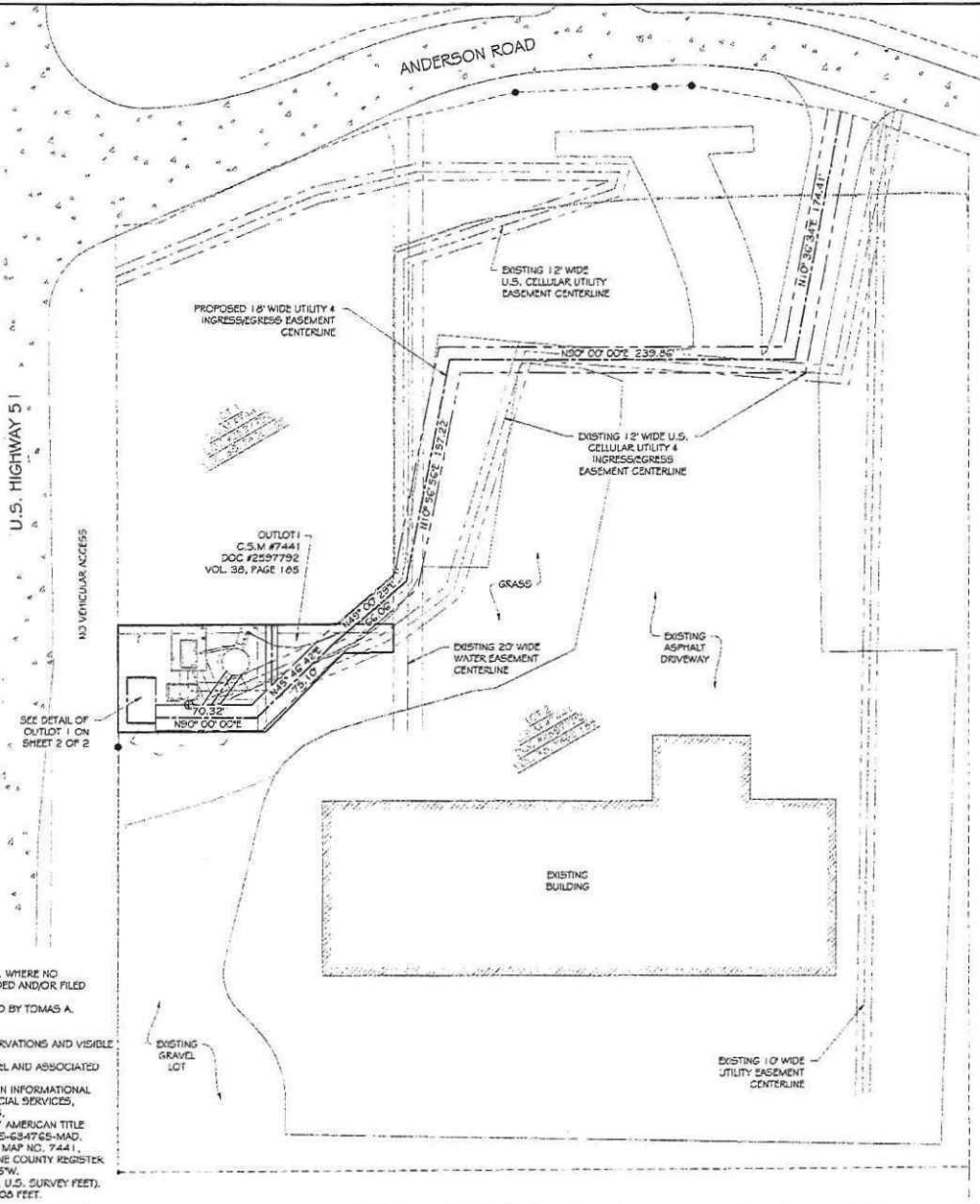
18. NOT A SURVEY ITEM.

SURVEYOR'S NOTES:

- 1) AN ATTEMPT WAS MADE TO LOCATE ALL PROPERTY CORNERS AND MONUMENTS, WHERE NO MONUMENTS WERE FOUND, THE PROPERTY LINE WAS DRAWN BASED ON RECORDED AND/OR FILED DOCUMENTS.
- 2) THIS SURVEY WAS PERFORMED BY RAMAKER & ASSOCIATES INC. AND REVIEWED BY TOMAS A. TORO-SANTOS, SURVEYOR NO. 3034-B.
- 3) NOT TO BE USED AS CONSTRUCTION DRAWINGS.
- 4) THE LOCATIONS OF UNDERGROUND UTILITIES WAS DETERMINED BY FIELD OBSERVATIONS AND VISIBLE MARKINGS ONLY AT TIME OF SURVEY.
- 5) THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A LEASE PARCEL AND ASSOCIATED EASEMENTS.
- 6) PARENT PARCEL DESCRIPTION FROM RECORDED AND/OR FILED DOCUMENTS & AN INFORMATIONAL REPORT FROM FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES, COMMITMENT NO: NCS-634765-MAD, COMMITMENT DATE, OCTOBER 11, 2013.
- 7) THIS MAP WAS PREPARED WITH THE AID OF A TITLE COMMITMENT PROVIDED BY AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES, COMMITMENT NO: NCS-634765-MAD.
- 8) BEAKINGS ARE REFERENCED TO WEST LINE OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 7441, RECORDED AS DOCUMENT NO. 2597792 IN VOLUME 38, PAGE 185, IN THE DANE COUNTY REGISTER OF DEEDS OFFICE. SAID TO BEAR N00°21'26"W, MEASURED TO BEAR N00°21'05"W.
- 9) DATUM: WISCONSIN STATE PLANE COORDINATE SYSTEM (NAD 83 SOUTH ZONE, U.S. SURVEY FEET).
- 10) SITE BENCHMARK: SOUTHWEST CORNER OF CONCRETE PAD, ELEVATION: 950.00 FEET.

LEGEND

- DISTING
- BOUNDARY LINE
- INTERIOR LINE
- RIGHT-OF-WAY LINE
- EASEMENT
- CONCRETE
- ASPHALTIC PAVEMENT
- FENCELINE
- FENCE CHAIN LINK
- POINT OF BEGINNING
- CERTIFIED SURVEY MARK
- 1.50" HIGH ROD, POUNDED
- 1.00" HIGH ROD, POUNDED
- 0.75" HIGH ROD, POUNDED
- DATE CORNER/MARK
- TELEPHONE PEDESTAL



CONTRACT # 2013-130
 I hereby certify that this Survey Document was prepared and the related Survey Work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Wisconsin.

Tomas A. Toro-Santos, PLS
 License Number: 3034-B Date: 03/02/13

MARK	DATE	DESCRIPTION
DATE ISSUED:	03/02/13	
REVISION:	FINAL	
PROJECT TITLE:		

MADISON - HANSON ROAD

PLOT LOCATION:
 4205 ANDERSON ROAD
 DE FOREST, WI 53552

PLAT OF SURVEY - OVERALL SITE

SCALE: 0 20' 40' 60'

DATE: 2013-130
 PROJECT: 26558
 SHEET: 1 OF 2



DANE COUNTY
PLANNING & DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Conditional Use Application

Application Fee: \$486 Mineral Extraction: \$1136

Items required to be submitted with application:

- o **Written Legal Description of Conditional Use Permit boundaries**
- o **Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.**
- o **Scaled map showing neighboring area land uses and zoning districts**
- o **Written operations plan describing the items listed below (additional items needed for mineral extraction sites)**
- o **Written statement on how the proposal meets the 6 standards of a Conditional Use**

Owner	Village of DeForest, Wisconsin	Agent	Reuter, Whitish & Evans, S.C.
Address	120 South Stevenson Street DeForest, Wisconsin 53532	Address	44 East Mifflin Street, Suite 306 Madison, Wisconsin 53703
Phone		Phone	(606) 250-9053
Email		Email	areuter@rwelaw.net

Parcel numbers affected: 0810-093-8581-4 Town: Burke Section: 9
 Outlot 1, Dane County, Wisconsin, CSM No. 7441 Property Address: 4209 Anderson Road

Existing/ Proposed Zoning District : C-2

- o **Type of Activity proposed:** Amend Conditional Use Permit #2032 by deleting the permit's height restriction. This will allow the placement of a safety railing and telecommunication antennas that extend above the height of the municipal water tower.
- o **Hours of Operation** No operations on site.
- o **Number of employees** No regular employees. Occasional maintenance workers on site.
- o **Anticipated customers** No customers on site. The water tower and antennas serve the general public.
- o **Outside storage** n/a
- o **Outdoor activities** n/a
- o **Outdoor lighting** The only outdoor lighting is the existing airport warning beacon.
- o **Outside loudspeakers** n/a
- o **Proposed signs** There are no additional signs proposed. The only existing sign is the municipal name on the tower.
- o **Trash removal** n/a
- o **Six Standards of CUP (see back)**

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: *William D. Reuter*
Village Attorney

Date: 11/28/18

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.

Removing the height limitation on conditional use permit #2032 will not be detrimental to or endanger the public health, safety, comfort or general welfare. Rather, denying the permit requested, and thus requiring the removal or lowering of the communications antennas attached to the tower, could be detrimental to the public safety and its general welfare. The existing communications antennas provide an essential means of communication for the public, especially with respect to emergency services and public safety. Removing or lowering the antennas would create gaps in coverage and areas of diminished service, which would negatively impact programs such as FirstNet, SCADA, and Point-to-Point currently facilitated by the antennas. In addition, denying the permit requested could necessitate the construction of a separate mobile service support structure near the existing water tower. If the construction of a separate support structure is required, pursuant to the 200 foot height standard for such structures set forth under Wis. Stat. § 66.0404, the height of that separate support structure could exceed the height of the water tower and its existing communications antennas by approximately 75 feet.

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

Removing the height limitation on conditional use permit #2032 will not substantially impact the use of surrounding property. Having the communications antennas extend a few feet above the height of the water tower (a tower will always be there) is not going to impact the value of surrounding property, nor will it impact the public's ability to use Highway 51 located near the water tower. Furthermore, the communications antennas are painted the same color as the water tower, so the antennas are barely noticeable when considering their potential aesthetic impact.

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.

The development and improvement of the property surrounding the water tower will not be hindered by the height of the water tower, because the property surrounding the water tower is primarily zoned for commercial and industrial uses.

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

Necessary utility, access roads, and drainage facilities are already in place.

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.

Adequate means of ingress and egress already exist at the site. Currently, the only traffic using the water tower's access road are the occasional maintenance workers. If the communications antennas have to be lowered, additional cranes and lifts will need to use the water tower's road and nearby public streets so that the maintenance workers can safely access the antennas. Lowering the antennas will result in the workers' inability to use the safety railing attached to the water tower to access the antennas.

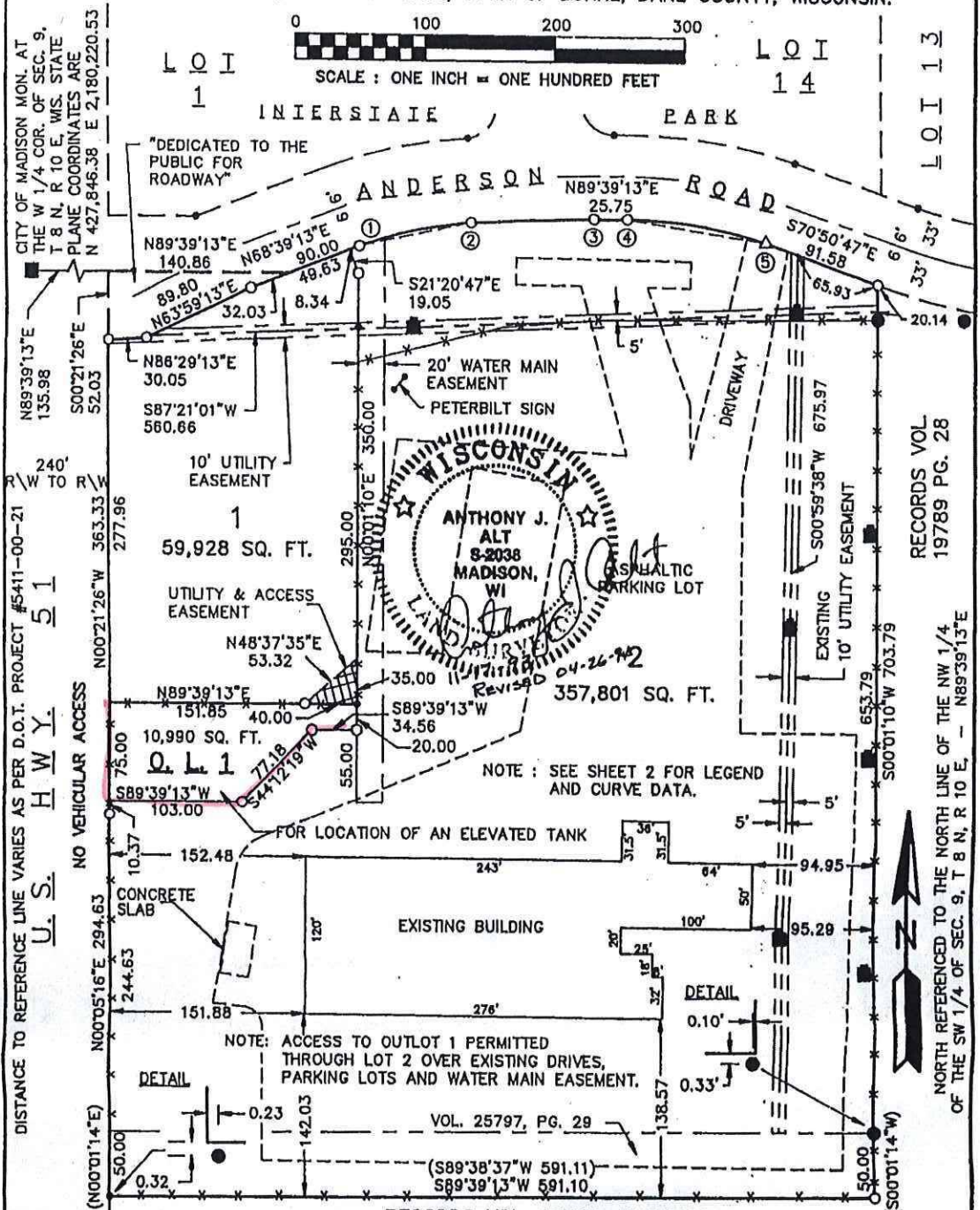
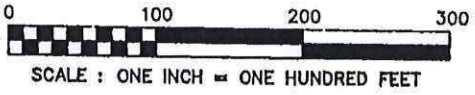
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The uses of the property at issue are no different than what was approved by the prior conditional use permit #2032. Rather, the applicant is requesting that permit #2032 be amended to remove the height limitation imposed as a condition on permit #2032. Should this condition be removed from the permit, Section 78.05 of the Dane County Code of Ordinances and its maximum height limitations will still apply to the water tower and its communications antennas. Although the water tower and its antennas do not currently conform to the applicable height limitation set forth under Section 78.05 of DCCO, the applicant is applying for a height variance to remedy its current violation.

V27321P 30

CERTIFIED SURVEY MAP

LOCATED IN PART OF INTERSTATE PARK PLAT AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 10 EAST, TOWN OF BURKE, DANE COUNTY, WISCONSIN.



NOTE : LOTS 1 AND 2 ARE PRE-EXISTING LOTS BEING ADJUSTED TO REFLECT AN EXCHANGE OF LAND FOR THE ELEVATED TANK AND TO REFLECT THE RELOCATED ANDERSON ROAD RIGHT-OF-WAY

SURVEYED FOR :
TOKEN CREEK SANITARY DISTRICT
4016 E. WASHINGTON AVE.
MADISON, WI 53704

MAP NO. 7441
DOCUMENT NO. 2597792
VOLUME 38 PAGES 185

SURVEYED BY :
MAYO CORPORATION
CONSULTING ENGINEERING
600 GRAND CANYON DR.
MADISON, WI. 53719

TC-07-88
SHEET 1 OF 7

see affidavit of correction

V27321 P 31

CERTIFIED SURVEY MAP

LOCATED IN PART OF INTERSTATE PARK PLAT AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 10 EAST, TOWN OF BURKE, DANE COUNTY, WISCONSIN.

CURVE DATA

CURVE	RADIUS/FT.	CHORD/FT.	ARC LENGTH/FT.	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1-2	290.73	87.95	88.29	N77°21'12"E	017°23'59"	2 N86°03'12"E
2-3	1511.65	94.97	94.99	N87°51'12"E	003°36'01"	
4-5	316.18	107.09	107.61	S80°35'47"E	019°30'00"	

OWNER'S CERTIFICATE

As owner, I hereby certify that I caused the land described to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. I also certify that this Certified Survey Map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Natural Resources Committee and the Town of Burke for approval. Witness the hands and seals of said owner this 4th day of April, 1994.

Darlene J. Bedke
Town of Burke

State of Wisconsin)) ss.
County of Dane)

Personally came before me this 4th day of April, 1994, the above named DARLENE J. BEDKE, Town of Burke to me known to be the person who executed the foregoing instrument and acknowledged the same.

Nancy L. Mayo
Notary Public

My Commission expires: 10/30/94

LEGEND

- 3/4" SOLID IRON ROD FOUND
- 1" IRON PIPE FOUND
- 1-1/4" X 30" SOLID IRON RE-ROD SET, MIN. WT. 4.30 lbs./ft. ALL OTHER LOT CORNERS MARKED BY A 3/4" X 24" SOLID IRON RE-ROD, MIN. WT. 1.50 lbs./ft.
- POWER POLE
- *- FENCE
- △ P.K. NAIL SET



MAP NO. 7441
DOCUMENT NO. 2597792
VOLUME 38 PAGES 186

MICHAEL J LYNCH
3247 S ELMWOOD AVE
GREENFIELD, WI 53219

Current Owner
5809 JULIA ST
MADISON, WI 53705

5959 HAASE ROAD LLC
5959 HAASE RD
DEFOREST, WI 53532

TLC PROPERTIES INC
5101 S HWY 51
JANESVILLE, WI 53546

MICHAEL J LYNCH
3247 S ELMWOOD AVE
GREENFIELD, WI 53219

JVS LEASING LLC
4165 ANDERSON RD
DEFOREST, WI 53532

ROBERT C BURMESTER
N2820 SUMMERVILLE PARK RD
LODI, WI 53555

1337 E JOHNSON LLC
PO BOX 144
MCFARLAND, WI 53558

SOUTH CENTRAL INDUSTRIAL PROPERTIES XVI LP
PO BOX 7008
WACO, TX 76714

TOP SHELF ENTERPRISES III LLC
7550 GRABER RD
MIDDLETON, WI 53562

HPT TA PROPERTIES TR
24601 CENTER RIDGE RD SUITE 200
WESTLAKE, OH 44145

VILLAGE OF DEFOREST
120 S STEVENSON ST
DEFOREST, WI 53532

HAASE PROPERTIES LLC
901 DEMING WAY STE 102
MADISON, WI 53717

KWIK TRIP INC
1626 OAK ST
LA CROSSE, WI 54602

CHARLES M JORGENSEN
1320 WALNUT RDG STE 100
HARTLAND, WI 53029

EAGAN HOFFMANN LLP
W10769 WILDWOOD WAY
POYNETTE, WI 53955

TOP SHELF ENTERPRISES - III LLC
7550 GRABER RD
MIDDLETON, WI 53562

JORGENSEN INVESTMENTS LLC
1320 WALNUT RIDGE DR STE 100
HARTLAND, WI 53029

EAGAN HOFFMANN LLP
W10769 WILDWOOD WAY
POYNETTE, WI 53955

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POYNETTE, WI 53955

SCOTT A SKALITZKY
4165 ANDERSON RD
DEFOREST, WI 53532

EAGAN HOFFMANN LLP
W10769 WILDWOOD WAY
POYNETTE, WI 53955

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POYNETTE, WI 53955

HOOPER CONSTRUCTION CORP
2030 PENNSYLVANIA AVE
MADISON, WI 53707

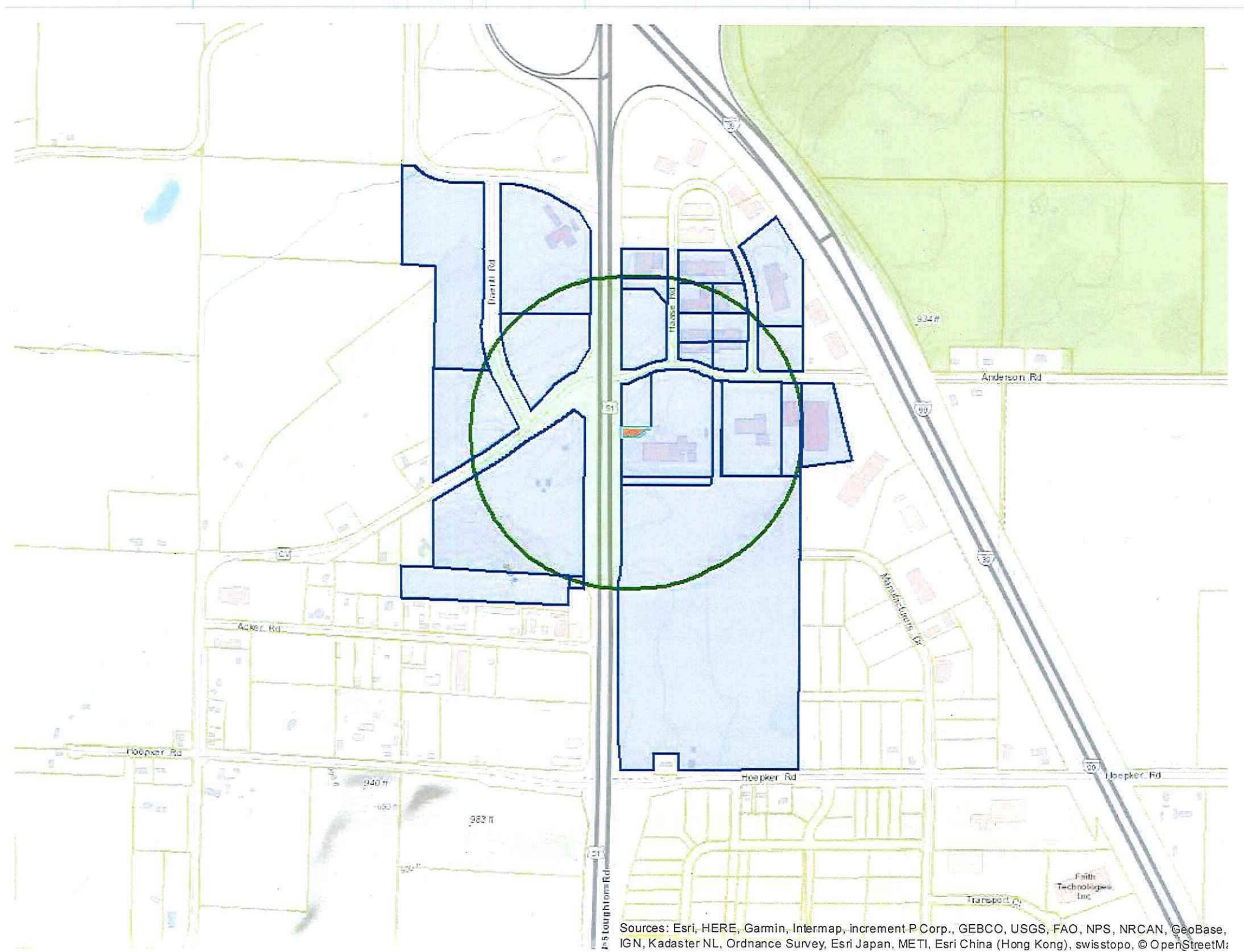
VERA I DANIELS
613 MCGUFFY DR
MADISON, WI 53717

EAGAN HOFFMANN LLP
W10769 WILDWOOD WAY
POYNETTE, WI 53955

DEFOREST, VILLAGE OF
120 S STEVENSON ST
DEFOREST, WI 53532

Current Owner
5809 JULIA ST
MADISON, WI 53705

EAGAN HOFFMANN LLP
W10769 WILDWOOD WAY
POYNETTE, WI 53955



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetM: