

Dane County Conditional Use Permit Application

| | |
|----------------------------|---------------------|
| Application Date | C.U.P Number |
| 01/30/2017 | DCPCUP-2017-02375 |
| Public Hearing Date | |
| 04/25/2017 | |

| OWNER INFORMATION | | AGENT INFORMATION | |
|--|--|--|----------------------|
| OWNER NAME MALY ENTERPRISES LLC | Phone with Area Code (608) 837-6927 | AGENT NAME <input type="checkbox"/> | Phone with Area Code |
| BILLING ADDRESS (Number, Street) 5353 MALY RD | | ADDRESS (Number, Street) <input type="checkbox"/> | |
| (City, State, Zip) SUN PRAIRIE, WI 53590 | | (City, State, Zip) | |
| E-MAIL ADDRESS mike@malyceramictile.com | | E-MAIL ADDRESS | |

| ADDRESS/LOCATION 1 | | ADDRESS/LOCATION 2 | | ADDRESS/LOCATION 3 | |
|----------------------------|---------------|----------------------------|---------|----------------------------|---------|
| ADDRESS OR LOCATION OF CUP | | ADDRESS OR LOCATION OF CUP | | ADDRESS OR LOCATION OF CUP | |
| 5353 Maly Road | | | | | |
| TOWNSHIP BURKE | SECTION 24 | TOWNSHIP | SECTION | TOWNSHIP | SECTION |
| PARCEL NUMBERS INVOLVED | | PARCEL NUMBERS INVOLVED | | PARCEL NUMBERS INVOLVED | |
| 0810-243-8895-3 | | --- | | --- | |

| CUP DESCRIPTION |
|-----------------|
| Tavern |

| DANE COUNTY CODE OF ORDINANCE SECTION | ACRES |
|---------------------------------------|-------|
| 10.14(2)(h) | 2.09 |

| | | |
|---|---------------------------------------|--|
| DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____ | Inspectors Initials RLB | SIGNATURE:(Owner or Agent)  |
| | | PRINT NAME:  |
| | | DATE: 1-31-17 |

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| BILLING ADDRESS (Number, Street) 5353 MALY RD | | ADDRESS (Number, Street) <input type="checkbox"/> | |
| (City, State, Zip) SUN PRAIRIE, WI 53590 | | (City, State, Zip) | |
| E-MAIL ADDRESS mike@malyceramictile.com | | E-MAIL ADDRESS | |

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|----------------------------|---------------|----------------------------|---------|----------------------------|---------|
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| 5353 Maly Road | | | | | |
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| PARCEL NUMBERS INVOLVED | | PARCEL NUMBERS INVOLVED | | PARCEL NUMBERS INVOLVED | |
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|---|---------------------------------------|--|
| DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____ | Inspectors Initials RLB | SIGNATURE:(Owner or Agent) _____ |
| | | PRINT NAME: _____ |
| | | DATE: _____ |



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 | <u>Mike Maly, Maly Enterprise</u> | Agent | _____ |
| Address | <u>5353 Maly Road</u> | Address | _____ |
| Phone | <u>Sun Prairie, WI 53590</u> | Phone | _____ |
| | <u>(608) 837-6927</u> | | _____ |
| Email | <u>mike@malyceramictile.com</u> | Email | _____ |

Parcel numbers affected: lot 3, map 1673 Town: Burke Section: 24
 Property Address: 5353 Maly Rd


Existing/ Proposed Zoning District : _____

o Type of Activity proposed: see attachment

- o Hours of Operation
- o Number of employees
- o Anticipated customers
- o Outside storage
- o Outdoor activities
- o Outdoor lighting
- o Outside loudspeakers
- o Proposed signs
- o Trash removal
- 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: 

Date: 1-26-17


January 23, 2017

Stephanie Farnia
Two Tall Distilling
5353 Maly Road
Sun Prairie, WI 53590
(608) 203-8346
stephanie@twotalldistilling.com

Conditional Use Application: Additional Information

Two Tall Distilling (TTD) is a small craft distillery located at 5353 Maly Road in the Township of Burke, within Dane County, Wisconsin. TTD will be focused on manufacturing spirits for sale primarily through local distributors. The ownership of TTD is split between David and Stephanie Farnia (Madison) and Nicholas and Amy Hanson (Waunakee). No additional employees are anticipated in the near future. All owners have full-time employment elsewhere and will be onsite for purposes of distilling for limited daytime hours, mainly in the late afternoons, evenings and on weekends. As owners, we are not interested in operating a bar or tavern of any kind. While we plan to sell our products primarily through the traditional distributor mechanism, we anticipate that there will be a legitimate business need for limited retail sales of sealed product at the manufacturing location. As part of this sales mechanism, we are requesting approval of a Conditional Use Permit to allow onsite customers to sample the product before purchase. Total volume of purchased sales per individual would not exceed the legal limit of 1.5 ounces. We are sensitive to the Township's concerns regarding traffic and parking and will not encourage retail sales in a way that would stress the safe limits of the space's parking or traffic patterns.

Legal Description of Property: Lot 3 of Certified Survey Map 1673, Section 24, Town of Burke.

Type of Activity Proposed: Retail sales of distillery-manufactured products with limited sampling hours.

Hours of Operation: Retail hours with ability to sample product will include a maximum of the following: Thursday, 4-8; Friday 4-8; Saturday 11-5, Sunday 12-3.

Number of Employees: Four co-owners, David and Stephanie Farnia; Nick and Amy Hanson

Anticipated Customers: Estimated 5-20 customers per day. The TTD space will have seats for 16 individuals, which will be the maximum number permitted to enter the tasting space at any given time.

Outside Storage: None

Outdoor Activities: None anticipated

Outside Loudspeakers: None

Proposed Signs: Signage will be placed on the door of the Suite occupied by Two Tall Distilling. We also anticipate a wooden sign near the intersection of Maly Road and Nelson Road.

Trash Removal: Trash will be removed through normal mechanisms as arranged by Maly Enterprises. On rare occasions when additional capacity is needed, TTD will arrange for drop-off and pick-up of a receptacle through Pelliteri Waste.

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 tasting room will only serve each customer up to the maximum of the legally eligible amount of alcohol per visit (currently 1.5 oz).

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 small tasting room will limit the number of customers and keep traffic down. The tasting room will also be open during off-business hours and days to minimize impact to nearby businesses.

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 impact to this issue

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

No additional improvements are known to be needed to accommodate the tasting room.

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.

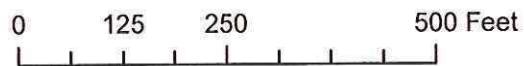
Scheduling the tasting room for off hours and days will minimize the congestion problems with other businesses using the shared parking lot.

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

The owners will work with town, county, state and federal governments to follow all applicable laws.



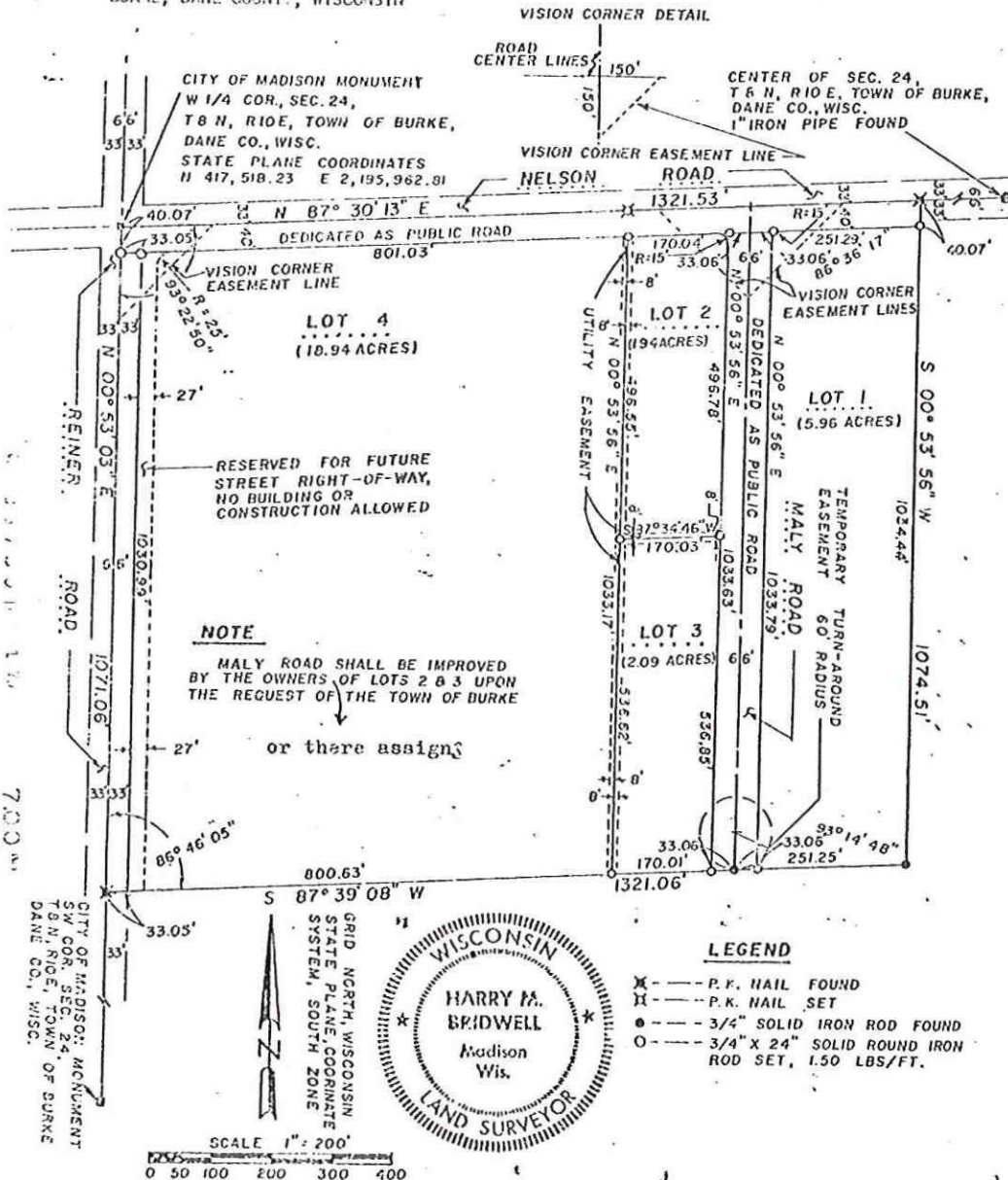
Legend



Neighboring
land uses

CERTIFIED SURVEY MAP NO. 1673
 BRIDWELL ENGINEERING COMPANY, INC.

BEING A SURVEY OF PART OF THE NW 1/4, SW 1/4, OF SECTION 24, T8N, R10E, TOWN OF BURKE, DANE COUNTY, WISCONSIN



CERTIFIED SURVEY MAP NO. 1673
BRIDWELL ENGINEERING COMPANY, INC.

STATE OF WISCONSIN)
COUNTY OF DANE) SS

I, Harry M. Bridwell, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped a division of part of the NW 1/4 of the SW 1/4 of Section 24, T8N, R10E, Town of Burke, Dane County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 24;

Thence N 87° 30' 13" E, along the East-West 1/4 line of said Section 24, 1321.53 feet;

Thence S 00° 53' 56" W, 1074.51 feet;

Thence S 87° 39' 08" W, 1321.06 feet;

Thence N 00° 53' 03" E, along the West line of said Section 24, 1071.06 feet to the point of beginning.

This parcel contains 25.49 acres of land.

I also certify that this map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made, and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Dane County Land Division and Subdivision Regulations in surveying, dividing and mapping the same.

Date: MARCH, 17, 1975

Harry M. Bridwell
Harry M. Bridwell
Registered Land Surveyor, S-516



DOCUMENT NO. 1426760
VOLUME 7 PAGE 25

DWG. NO. C-905 (2)-2
SHEET 2 OF 6

CERTIFIED SURVEY MAP NO. 1673
BRIDWELL ENGINEERING COMPANY, INC.

OWNER'S CERTIFICATE OF DEDICATION:

As Owners, Z and Z Associates, consisting of William F. Ziegler, Harold Ziegler, Calvin Ziegler, and Vernon Ziegler hereby certify that we caused the land described on this plat to be surveyed, mapped, and dedicated as represented on this plat. We also certify that this plat is required by S. 236.10 or S. 236.12 to be submitted to the following for approval or objection:

- (1) Town Board of Burke
- (2) Dane County Agriculture, Zoning, Planning and Water Resources Committee
- (3) City of Madison Planning Commission

WITNESS the hand and seal of said Owners this 23rd day of April, 1975.

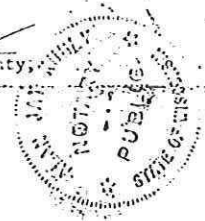
In presence of:

| | |
|-----------------------------------|---|
| <u>[Signature]</u> Witness | <u>William F. Ziegler</u> William F. Ziegler |
| <u>Dennis F. Jonas</u> Witness | <u>Harold Ziegler</u> Harold Ziegler |
| <u>[Signature]</u> Witness | <u>Calvin Ziegler</u> Calvin Ziegler |
| <u>Joan Randsauer</u> Witness | <u>Vernon Ziegler</u> Vernon Ziegler |

STATE OF WISCONSIN)
COUNTY OF DANE) SS

Personally came before me this 23rd day of April, 1975, the above named William F. Ziegler, Harold Ziegler, Calvin Ziegler and Vernon Ziegler, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My commission Expires 9-12-76 Alan Jay Kelly
Notary Public, Dane County,
Wisconsin.



DOCUMENT NO. 1426760
VOLUME 7 PAGE 26

ENG. NO. C-905 (2)-3
SHEET 3 OF 6

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

Riteway ~~Inc.~~ Enterprises Inc. a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Riteway ~~Inc.~~ Enterprises, Inc. does further certify that this plat is required by S.236.10 or S. 236.12 to be submitted to the following for approval or objection:

- (1) Town Board of Burke
- (2) Dane County Agriculture, Zoning, Planning and Water Resources Committee.
- (3) City of Madison Planning Commission

IN WITNESS WHEREOF, the said Riteway ~~Inc.~~ Enterprises, Inc. has caused these presents to be signed by Kenneth K. McDonald its President, and countersigned by Jeanene McDonald, its Secretary (cashier), at Madison, Wisconsin, and its corporate seal to be hereunto affixed on this 16th day of April, 1975.

In the presence of:

[Signature] Riteway Enterprises
Corporate Name

[Signature] Kenneth K. McDonald
President

(Corporate Seal)
Countersigned:

Jeanene M. McDonald Sec.
Secretary or Cashier

STATE OF WISCONSIN)
COUNTY OF DANE) SS

Personally came before me this 3rd day of April, 1975, Kenneth K. McDonald President, and Jeanene McDonald Secretary (cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) [Signature]
Notary Public, Madison, Wisconsin

My commission expires December 17, 1978

CONSENT OF CORPORATE MORTGAGEE

Monona Grove State Bank (corporate name), a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of Kenneth K. McDonald and Jeanene McDonald Owners.

CERTIFIED SURVEY MAP NO. 1673
BRIDWELL ENGINEERING COMPANY, INC.

IN WITNESS WHEREOF, the said Monona Grove State Bank has caused these presents to be signed by David G. Paterson, its Executive Vice President, and countersigned by C.E. Graham, its Cashier, at Madison, Wisconsin, and its corporate seal to be hereunto affixed this 30th day of April, 1972.

In the presence of:

Corporate Name

David G. Paterson

David G. Paterson
Executive Vice President

C.E. Graham

C.E. Graham
Cashier

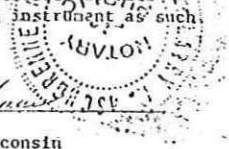


STATE OF WISCONSIN) SS
COUNTY OF DANE)

Personally came before me this 30th day of April, 1972, David G. Paterson, Executive Vice President and C.E. Graham, Cashier, of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Executive Vice President and Cashier of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

My Commission Expires December 17, 1978

Lois J. Robinson
Notary Public
Dane County, Wisconsin



DOCUMENT NO. 1426760
VOLUME 7 PAGE 28

DRG. NO. C-905 (2)-5
SHEET 5 OF 6

CERTIFIED SURVEY MAP NO. 1673
BRIDWELL ENGINEERING COMPANY, INC.

Approved for recording by the Town Board of Burke on the 22 day
of April, 1975.

Muriel Hagen Town Clerk Burke
Town Clerk, Town of Burke

APPROVED FOR RECORDING PER SECRETARY
MADISON PLANNING COMMISSION

Date MAY 1, 1975

Charles R. Dinauer
Charles R. Dinauer, E.K.
Secretary

CERTIFICATE OF COUNTY PLANNING AGENCY

"Approved for recording per Dane County Agriculture, Zoning, Planning and
Water Resources Committee action of:

M. Scribner
Authorized Representative" #1073

CERTIFICATE OF COUNTY REGISTER OF DEEDS

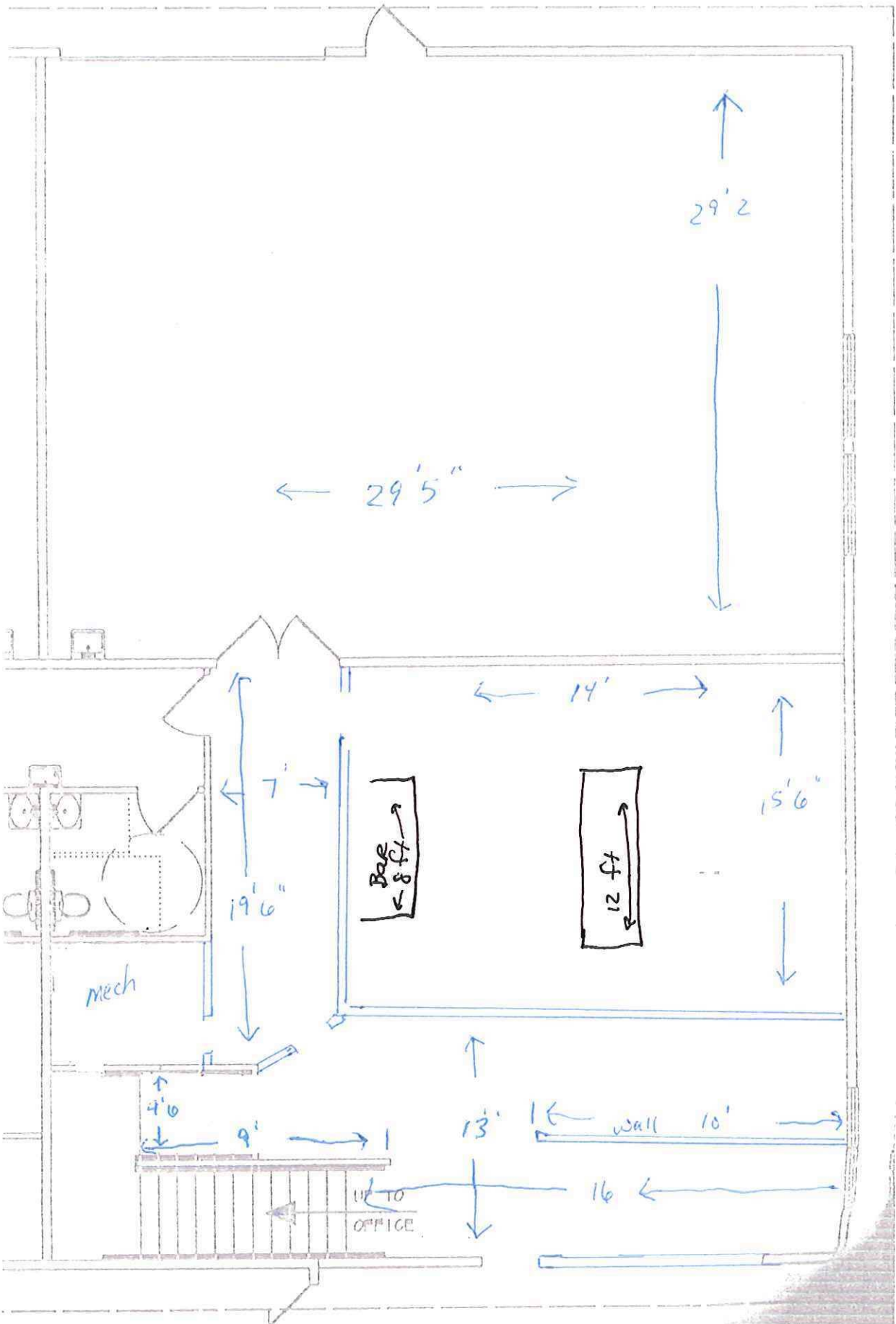
Received for recording this 1st day of May, 1975, at
1:50 o'clock P.M., and recorded in Volume 7 of
Certified Survey Maps of Dane County on Page 24 thru 29.

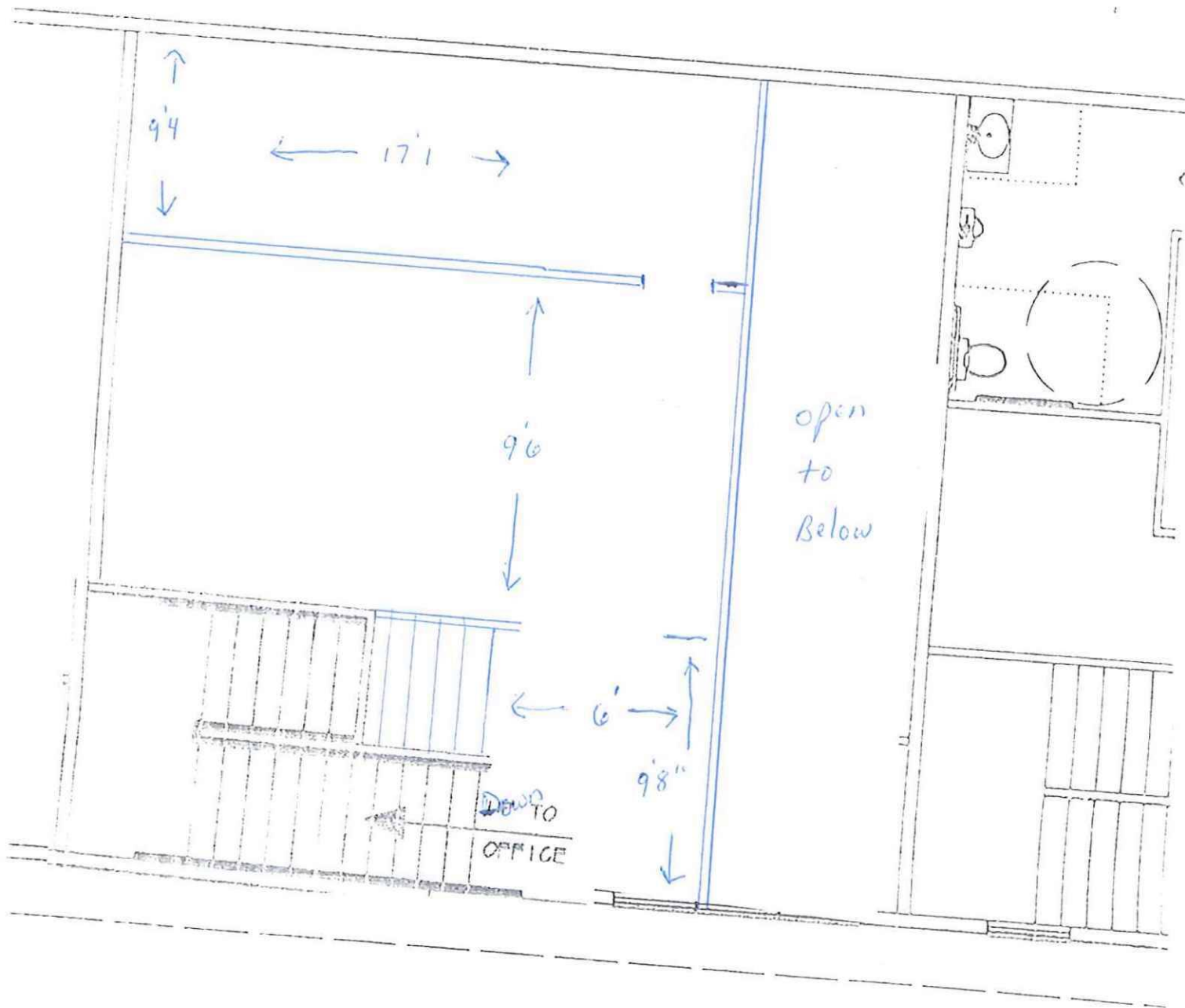
Harold K. Hill
Harold K. Hill,
Register of Deeds, Dane County
By: Marian Jordan,
reputy

DOCUMENT NO. 1424761
VOLUME 7 PAGE 29

DWG. NO. C-905 (2)-6
SHEET 6 OF 6

unit B





1N - 2nd FLOOR
-0'



Two Tall Distilling

5353 Maly Road, Sun Prairie WI

Pictures taken Saturday afternoon, January 21, 2017.

Ample roadside, curbed parking in addition to 12+ parking spaces in the parking lot.



Parcel Number - 014/0810-243-8895-3**Current**[← Parcel Parents](#)[Summary Report](#)

| Parcel Summary | | More + |
|-----------------------|---|---|
| Municipality Name | TOWN OF BURKE | |
| Parcel Description | LOT 3 CSM 1673 CS7/24&29-5/1/75 DESCR AS... | |
| Owner Name | MALY ENTERPRISES LLC |  |
| Primary Address | 5369 MALY RD | |
| Billing Address | 5353 MALY RD SUN PRAIRIE WI 53590 | |

| Assessment Summary | | More + |
|---------------------------|--------------|---------------|
| Assessment Year | 2017 | |
| Valuation Classification | G2 | |
| Assessment Acres | 2.090 | |
| Land Value | \$154,500.00 | |
| Improved Value | \$777,100.00 | |
| Total Value | \$931,600.00 | |

[Show Valuation Breakout](#)[Show Assessment Contact Information ▼](#)**Zoning Information**

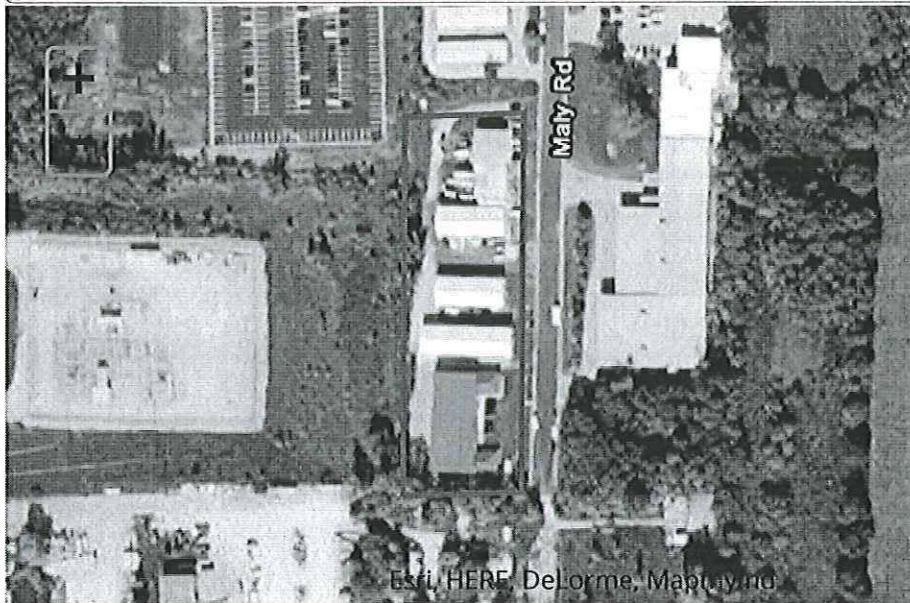
For the most current and complete zoning information, contact the Division of Zoning.

Zoning

C-2 DCPREZ-0000-01665

[Zoning District Fact Sheets](#)

Parcel Maps



Surveyor Map

DCiMap

Google Map

Bing Map

Tax Summary (2016)

More +

E-Statement

E-Bill

E-Receipt

| Assessed Land Value | Assessed Improvement Value | Total Assessed Value |
|--------------------------------|----------------------------|----------------------|
| \$154,500.00 | \$777,100.00 | \$931,600.00 |
| Taxes: | | \$16,223.94 |
| Lottery Credit(-): | | \$0.00 |
| First Dollar Credit(-): | | \$83.37 |
| Specials(+): | | \$941.50 |
| Amount: | | \$17,082.07 |

District Information

| Type | State Code | Description |
|-------------------|------------|-------------------------|
| REGULAR SCHOOL | 5656 | SUN PRAIRIE SCHOOL DIST |
| TECHNICAL COLLEGE | 0400 | MADISON TECH COLLEGE |
| OTHER DISTRICT | 07SP | SUN PRAIRIE FIRE |
| OTHER DISTRICT | MADE | CITY OF MADISON EMS |

| Recorded Documents | | | | |
|--------------------|---------------|-------------|--------|------|
| Doc. Type | Date Recorded | Doc. Number | Volume | Page |
| QCD | 12/06/2016 | 5289941 | | |

Show More ▼

DocLink

DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. Click here for instructions.

By Parcel Number: 0810-243-8895-3

[Document Types and their Abbreviations](#)

[Document Types and their Definitions](#)



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Dane County Land Information Council

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210 Martin Luther King Jr. Blvd

City-County Bldg. Room 116

Madison, WI 53703



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RECEIPT

MADISON
MADISON
210 MARTIN LUTHER KING, JR. BLVD
CITY TREASURER OFFICE

Application: DCPCUP-2017-02375
Application Type: DaneCounty/Zoning/Conditional Use/NA
Address: 5353 MALY RD, TOWN OF BURKE, WI 99999

| | | | | | | |
|----------------|------------|-------------|--------------|------------|----------|----------|
| Receipt No. | 793810 | | | | | |
| Payment Method | Ref Number | Amount Paid | Payment Date | Cashier ID | Received | Comments |
| Check | 3166 | \$486.00 | 01/30/2017 | RLB | | |

Owner Info.: MALY ENTERPRISES LLC
5353 MALY RD
SUN PRAIRIE, WI 53590

Work Description:

ZONING ORDINANCE AMENDMENT NO. 1665

Amending Section 10.03 relating to zoning districts in the Town of Burke

The Dane County Board of Supervisors does ordain as follows:

That the zoning district maps of the Town of Burke be amended to include in the C-2 Commercial & Light Mfg. District the following described land:

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Town of Burke, described as follows:
Commencing at the West quarter corner of Section 24; thence N 87° 30' 13" E, 834.09 feet to the point of beginning; thence continue N 87° 30' 13" E, 203.10 feet; thence S 00° 53' 56" W, 1073.78 feet; thence S 87° 39' 08" W, 203.07 feet; thence N 00° 53' 56" E, 1073.24 feet to the point of beginning.

EFFECTIVE: March 21, 1975

LOCATION SURVEY

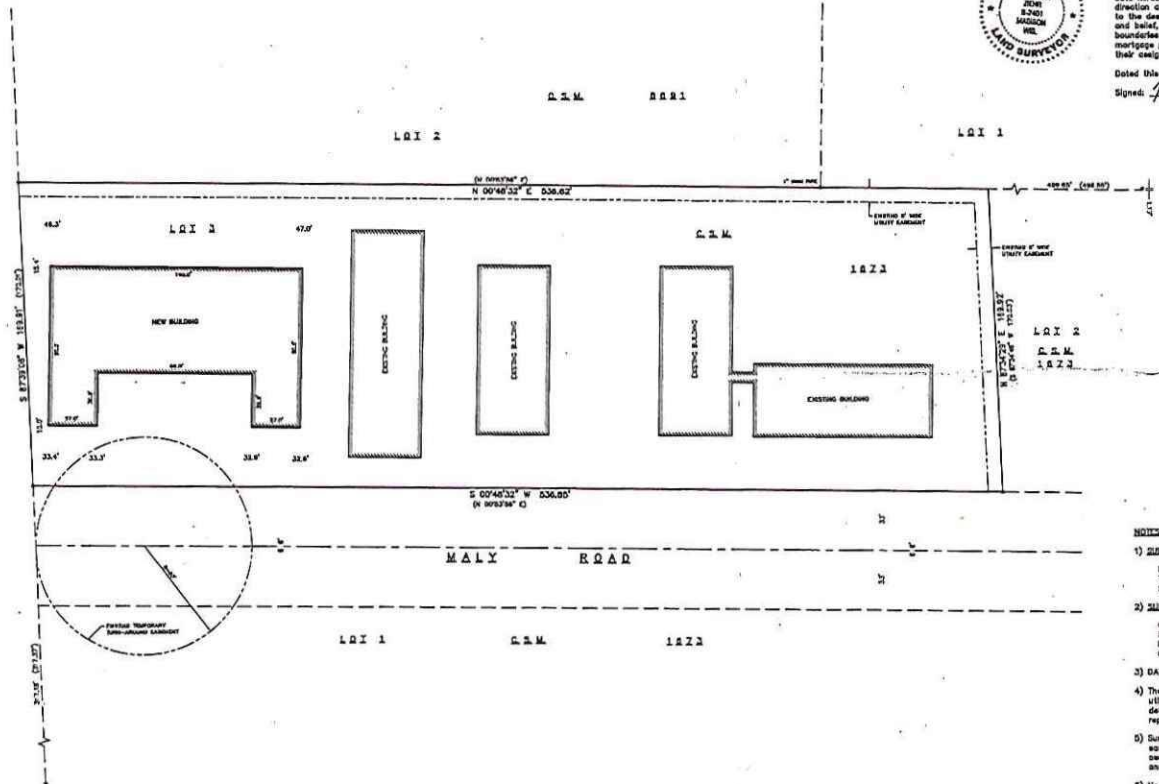
LOT 3, CERTIFIED SURVEY MAP NUMBER 1873, AS RECORDED IN VOLUME 7 OF CERTIFIED SURVEY MAPS, ON PAGES 24-29, AS DOCUMENT NUMBER 1428760, DANE COUNTY REGISTRY AND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 8 NORTH, RANGE 10 EAST, TOWN OF BURKE, DANE COUNTY, WISCONSIN.



SURVEYOR'S CERTIFICATE

I, Michael J. Ziehr, registered land surveyor, hereby certify to the present owner of the property and also those who purchase, mortgage, or guarantee the title thereto within one year from the date hereon, that the foregoing survey was executed under my direction and control and that the lot mapped hereon is according to the description furnished and that to the best of my knowledge and belief, the map hereon is a correct representation of the actual boundaries of said lot and of existing buildings. This survey is for mortgage purposes only, to be used by the present owners and/or their assigns.

Dated this 7TH day of DECEMBER, 2005.
Signed: *Michael J. Ziehr*
Michael J. ZIEHR/RLS. 2401



MARKERS REFERENCED TO THE MAIN LINE OF C.S.M. 1873, RECORDED AS SET FORTH IN

LEGEND

- 3/4" SOLID IRON ROD FOUND
- () MARKERS RECORDED AS DISTANCES ARE SCALED TO THE NEAREST HUNDREDTH OF A FOOT.

NOTES

- SURVEYED FOR:**
MIKE MALY
711 WINDSOR STREET
EIN PRASID, WI 53060
- SURVEYED BY:**
CALKINS ENGINEERING, LLC
2010 VOICES ROAD
MADISON, WI 53718
(608) 838-8444
- DATE OF SURVEY:** December 5, 2005.
- The location of parking lots, driveways, sidewalks, utilities and other improvements are not determined by this survey. This map is solely to represent the location of the new building.
- Surveyor has made no investigation or independent search for encumbrances of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that on accurate and current title search may disclose.
- No attempt has been made as a part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities contact the appropriate agencies.
- This parcel is subject to any and all easements and agreements recorded and unrecorded.

2006-00714