

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10807**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Middleton

Location: Section 30

Zoning District Boundary Changes

Located in the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 30, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, described as follows:

A-1 to C-1

COMMENCING at the Northeast Corner of Section 30; thence N89°35'43"W, 233.51 feet along the north line of the NE ¼ of Section 30; thence S00°08'26"W, 50.26 feet to the south right-of-way of Mineral Point Road (C.T.H. S) and the **POINT OF BEGINNING**; thence continuing 0°08'26"W, 488.58 feet; thence N89°42'17"W, 1093.93 feet to the east line of Lot 3, C.S.M. No. 9582; thence N00°27'16"E, 478.58 feet along the east line of Lot 3, C.S.M. No. 9582 to the northeast corner of said Lot 3 and the south right-of-way of Mineral Point Road (C.T.H. S); thence S89°42'17"E, 525.95 feet along the south right-of-way of Mineral Point Road (C.T.H. S); thence S00°17'43"W, 256.83 feet; thence S89°42'17"E, 330.00 feet; thence N00°17'43"E, 266.83 feet to the south right-of-way of Mineral Point Road (C.T.H. S); thence S89°42'17"E, 235.33 feet along the south right-of-way of Mineral Point Road (C.T.H. S) to the **POINT OF BEGINNING**.
Containing 440,510 Square Feet, 10.11 acres.

A-1 to RE-1

COMMENCING at the Northeast Corner of Section 30; thence N89°35'43"W, 233.51 feet along the north line of the NE ¼ of Section 30; thence S00°08'26"W, 50.26 feet to the south right-of-way of Mineral Point Road (C.T.H. S) and the **POINT OF BEGINNING**; thence continuing S00°08'26"W, 488.58 feet; thence N89°42'17"W, 314.00 feet; thence S00°08'26"W, 1022.08 feet to the north line of Cherrywood Forest; thence S89°41'54"E, 380.00 feet along the north line of Cherrywood Forest; thence N00°08'26"E, 1509.64 feet along the west line of Lot 1, C.S.M. No. 6405 to the south right-of-way line of Mineral Point Road (CTH S); thence S89°42'17"W, 66.00 feet along the south right-of-way line of Mineral Point Road (CTH S) to the **POINT OF BEGINNING**. Containing 420,240 Square Feet, 9.65 acres. Subject to all other recorded and unrecorded easements.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The applicant shall comply with all the requirements in the Vierbicher letter dated February 3, 2015.
2. The proposed rezoning of proposed Lot 1 to C-1 and proposed Lot 3 to RE-1 is acceptable to the Board. Lot 2 shall remain A-1.
3. The required Joint Driveway Easement for access to the three lots shall also include a restriction that the south access to proposed Lot 2 be limited to Ag uses only.
4. Two park fees (\$2,250 each) shall be collected as there are two tax parcels but only one buildable lot. If Dane County determines there are two buildable lots, only one park fee shall be collected.
5. A 30' Public Recreational Trail easement will be provided to the Town over the current constructed Public Recreational Trail located within the limits of the CSM; the Public Recreational Trail Easement and Trail may be relocated in the future if approved by the Town.
6. No additional trail easements will be required outside the limits of the CSM as the applicant stated that he would be willing to consider another trail easement at the time of development.
7. An area plan shall not be required, as the proposal is in substantial agreement with and conforms to the Tumbledown Neighborhood Plan.
8. Any potential wetlands that have not already been officially delineated as wetlands by the Wisconsin Department of Natural Resources do not need to be shown on the CSM. Official delineation will occur at the time of development.
9. A storm water easement encompassing the drainage ways across the CSM do not need to be shown on the CSM at this time, as they would be highly theoretical, and would almost certainly need to be change.

DEED RESTRICTION REQUIRED

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. The Board finds the proposed commercial rezoning is in substantial conformance with the Town's Comprehensive Plan and the Tumbledown Neighborhood Plan. Recordable Deed Restrictions shall be placed on Lot 1 limiting uses to:
 - All uses permitted in the LC-1 Limited Commercial District; Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores; barbershops and beauty shops without limitation as to size; Self-service laundries and dry cleaning establishments; Warehousing and storage incidental to a permitted use; Medical, dental and veterinary clinics; Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space; Utility services; Bakeries; Bicycle sales and service; Rental businesses except for motor vehicles and construction machinery and equipment; Sales and repair of lawn and

garden equipment; Outdoor games (not lighted); and Off-site parking of motor vehicles.

2. A deed restriction be placed on Lot 2 that states that no further development will occur on Lot 2 until Welcome Drive is extended to Lot 2 as a public right of way.
3. A deed restriction shall be recorded and placed on the face of the CSM against lots 1-3 that states that no further development of these lots will be allowed that is not consistent with the Tumbledown Neighborhood Plan.
4. A deed restriction shall be recorded on the C-1 Commercial zoning lot to prohibit the installation of billboard (off-premise advertising) signs.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**