



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 #2463

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2463 for Outdoor Storage and display pursuant to Dane County Code of Ordinances Section 10.101(7), subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: June 12, 2019

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 7595 W Mineral Point Road, Town of Middleton, Dane County, Wisconsin.

Legal Description:

A part of the Northwest Quarter of the Northwest Quarter of Section 29, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, Being more fully described as follows: Commencing at the North Quarter Corner of aforesaid Section 29; thence along the North line of the aforesaid Northwest Quarter of Section 29 North 89 degrees 52 minutes 17 seconds West, 1327.83 feet to the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 29, also being the Point of Beginning; thence along the East line of said Northwest Quarter of the Northwest Quarter South 00 degrees 32 minutes 47 seconds West, 1039.58 feet to the northerly line of the Lands that make up Tumbledown Golf Course; thence along said northerly line North 89 degrees 54 minutes 21 seconds West, 328.25 feet to easterly line of the lands that make up the West Middleton Elementary School; thence along said easterly line North 00 degrees 32 minutes 47 seconds East, 1039.79 feet to the aforesaid North line of the Northwest Quarter of Section 29; thence along said North line of the Northwest Quarter South 89 degrees 52 minutes 17 seconds West, 328.25 feet back to the point of beginning.

CONDITIONS:

1. Any conditions required for specific uses listed under s. 10.103.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.

4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request. Storage of all hazardous materials, including fuel and chemicals must be done in accordance as detailed in the site and operations plan and must be compliant with applicable local, state, and/or federal standards. This includes the spill containment, emergency shutoffs, and security fencing / indoor storage proposed for fuel tanks.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
14. The site shall be developed and maintained in accordance with the final Site Plan approved by the Town;
15. Outdoor storage shall be limited to greenhouse inventory only, and shall be located in the areas designated on the approved site plan.
16. Large truck deliveries of company inventory shall be limited to the hours of operation indicated by the applicant (9am-7pm Mon-Sat, 9am-6pm Sunday).
17. All outdoor site lighting shall consist of full-cutoff fixtures that are dark sky compliant. The proposed lighting plan is acceptable.

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.