



# Staff Report

Public Hearing: **April 29, 2014**

Petition: **Rezone 10672  
CUP 2270**

Zoning Amendment:  
**A-1EX Exclusive Agriculture  
District to A-2(8) Agriculture  
District**

Town/sect:  
**Rutland  
Section 34**

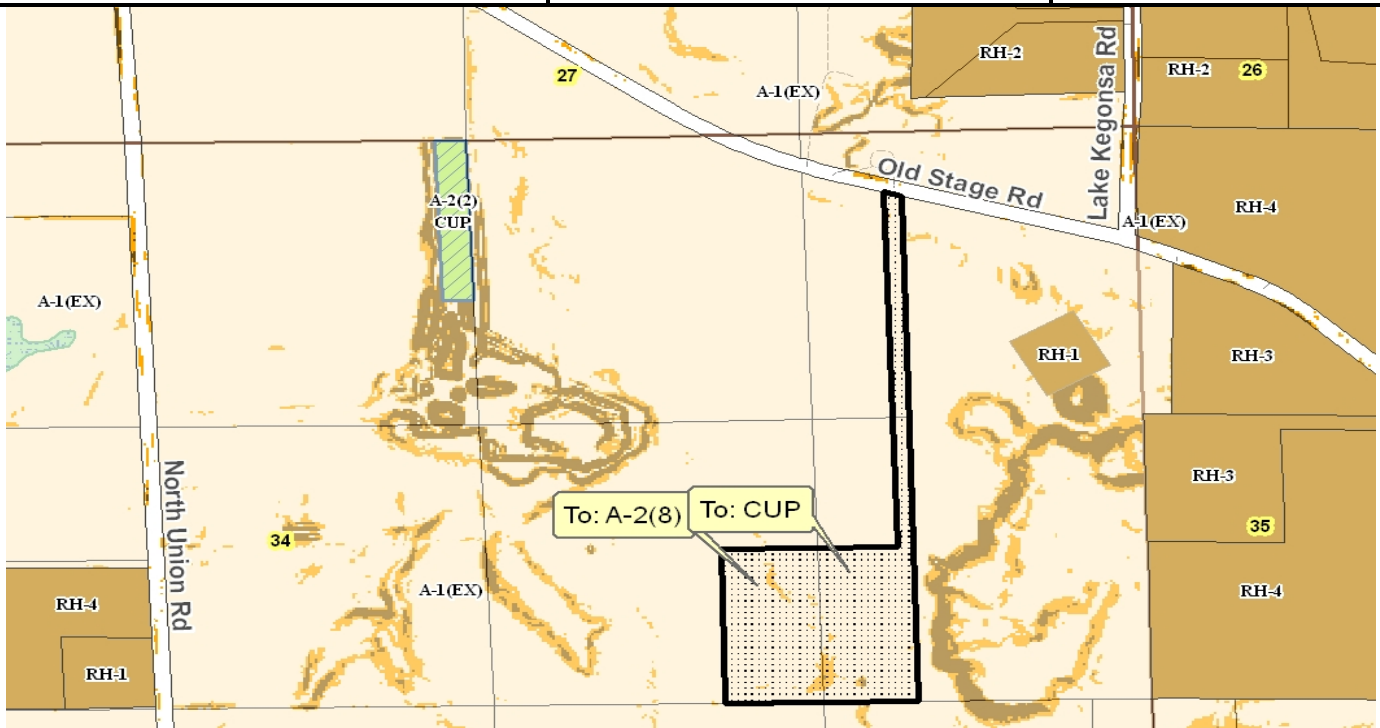
Acres: 15  
Survey Req. Yes

Applicant  
**Stoughton Farms Inc**

Reason:  
**Creating a parcel in order to  
construct a FM radio tower  
Description: FM radio tower**

Location:  
**3768 Old Stage Road**

Zoning and Land Regulation Committee



**DESCRIPTION:** The applicant is requesting rezoning approval for a new 15 acre A-2(8) (Agriculture) zoned parcel and also a conditional use permit to allow the erection of a new 486-foot tall FM broadcast radio tower. Magnum Communications is requesting the rezoning and conditional use permit approvals to allow the relocation of existing station WBKY FM (95.9, "Bucky Country"), currently located in Portage, WI. Magnum Communications has obtained the required FCC licenses for the proposed relocation.

**OBSERVATIONS:** The site of the proposed FM broadcast tower is located approximately 2,000 feet off Old Stage Road. The property is adjacent to a significant woodland area to the southeast, farmlands to the west, and numerous rural residential properties to the east and north. The proposed access drive is located along the owner's eastern property line between two agricultural fields. 85% of the proposed parcel consists of Class I and II soils.

**TOWN PLAN:** The property is located in the town's agricultural preservation area. Town plan policies generally seek to preserve agricultural land by limiting nonfarm development. Please see attached town plan excerpts.

**Dane County Land and Water Resource:** Due to the long driveway, a storm water management permit will most likely be required (>20,000 sq.ft. of impervious surface). The area constraints of the flag lot configuration would make it very difficult to locate storm water management practices to collect and treat the driveway runoff.

**RESOURCE PROTECTION:** There are no areas of resource protection corridor located on the proposed new parcel.

**STAFF:** The County's Radio Frequency Engineering consultant is reviewing the proposal for compliance with the county's communication tower ordinance and applicable state statutes. A detailed staff report will be provided upon receipt of the engineer's report. Staff recommends postponement of the petition to allow for public input at the hearing.

**TOWN:** Pending.

## **Proposed Conditional Use Permit # 2270**

Prior to consideration of the proposed Conditional Use Permit, the Town of Rutland Board, the Zoning and Land Regulation Committee, County Board, and County Executive must first approve the requested rezoning from A-1EX to A-2(8). In addition, to obtain approval of a Conditional Use Permit, the Town Board and Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Pending the outcome of the requested zoning change, and Town Board action on the Conditional Use Permit, staff can provide a list of potential permit conditions for consideration by the Zoning and Land Regulation Committee.

Suggested conditions will be added at a subsequent meeting.