

REMOTE MEETING APPLICANT REGISTRATION FORM

Applicants for a rezoning petition must fill out this form prior to participating in a remote meeting of the zoning committee. Please submit completed forms by email at your earliest convenience. Attach your completed form to an email and send to: lane.roger@countyoflane.com

DATE of Meeting:

Your Name:

Your Mailing Address:

Your Phone #:

Zoning Petition/CUP#:

Your Email Address:

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

Wish to Speak in Support

I Understand and Accept the Recommended Conditions

Wish to Register in Support

I Do Not Understand and/or Accept the Recommended Conditions

Available for Information

Please use the space below to provide a brief summary of any comments, concerns, or observations you would like to share with the ZLR Committee regarding the proposal.

NOTE: THIS MEETING REGISTRATION FORM IS ONLY FOR APPLICANTS OR THEIR AGENTS!

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DANE COUNTY ZONING & LAND REGULATION COMMITTEE

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Hello, on behalf of Eco Solutions LLC we would like to request the committee postpone the approval until the next hearing date. I understand the petitioner and the Real Estate Coordinator of Dane County Land & Water Resources Department, Sharene Smith, is working with the petitioner regarding an easement on one of the lots which may affect the petition and/or recommendations of the County/Town/petitioner/staff. At this time we are simply not sure what that might be and wish to request postponement. Thank you much.

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DATE of Meeting: September 22, 2020

Your Name: Amy Jester

Your Mailing Address: 8403 County Road PD

Verona WI 53593

Your Phone #: 608 358 0915

Zoning Petition/CUP#: 11581

Your Email Address: pcchairspringdale@gmail.com

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

Wish to Speak in Support

I Understand and Accept the Recommended Conditions

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DATE of Meeting: September 22, 2020

Your Name: Kyle Mathews

Your Mailing Address: 3646 Cty. AB

McFarland, WI 53558

Your Phone #: 608-516-8328

Zoning Petition/CUP#: DCTREZ2020-11582

Your Email Address: kjmathews1@gmail.com

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

Wish to Speak in Support

I Understand and Accept the Recommended Conditions

Wish to Register in Support

I Do Not Understand and/or Accept the Recommended Conditions

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The purpose of the rezone application is to create one residential lot off Vilas Hope Rd in the Town of Cottage Grove.

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Wish to Register in Support

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DATE of Meeting: Your Name:
Your Mailing Address:

Your Phone #:
Zoning Petition/CUP#: Your Email Address:

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- Wish to Speak in Support
- I Understand and Accept the Recommended Conditions
- Wish to Register in Support
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DATE of Meeting: 9-22-2020

Your Name: Donald Viney

Your Mailing Address: 2093 US Hwy. 12 + 18

Cottage Grove, WI 53527

Your Phone #: 608-628-4653

Zoning Petition/CUP#: 11587

Your Email Address: dmviney@hughes.net

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

- Wish to Speak in Support, I Understand and Accept the Recommended Conditions, Wish to Register in Support, I Do Not Understand and/or Accept the Recommended Conditions, Available for Information

Please use the space below to provide a brief summary of any comments, concerns, or observations you would like to share with the ZLR Committee regarding the proposal.

The lot size has been approved by the town board at 3.0 acres. Attached is the town approved certified survey map. The buildings that were on the lot line, have been removed.

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DATE of Meeting: September 22, 2020

Your Name: Robert Ehle

Your Mailing Address: 3420 Quam Dr.

Stoughton, WI. 53589

Your Phone #: 608-695-5887

Zoning Petition/CUP#: 11586

Your Email Address: ehlerobert2@gmail.com

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

Wish to Speak in Support

I Understand and Accept the Recommended Conditions

Wish to Register in Support

I Do Not Understand and/or Accept the Recommended Conditions

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Please check the appropriate box(es) below to indicate your position on the proposal.

Wish to Speak in Support

Wish to Speak in Opposition

Wish to Register in Support

Wish to Register in Opposition

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Please use the space below to provide a brief summary of your comments and/or concerns regarding the proposal.

I am representing the Town of Christiana with this petition, we need to have this 20 ft access for the town cemetery, we tried to come to an agreement with that neighbor to do a easement agreement, but were unable to make that happen. We have decided to purchase this 20 strip from that neighbor in order to maintain the cemetery.

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I would like to address the number of guest/renters allowed on the property at any one time to 18. I am contacting division of enviromantial health to see if there is any more capacity in the 2000 gallon septic system on the property.

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DATE of Meeting: September 22, 2020

Your Name: Janet Loewi

Your Mailing Address: 5642 Lake Mendota Drive

Madison WI 53705

Your Phone #: 608.345.5548

Zoning Petition/CUP#: 2505

Your Email Address: janetloewi@gmail.com

Please check the appropriate box(es) below to indicate your position on the proposal.

Wish to Speak in Support

Wish to Speak in Opposition

Wish to Register in Support

Wish to Register in Opposition

Available for Information

Please use the space below to provide a brief summary of your comments and/or concerns regarding the proposal.

As owners of the property, we are in support of the renewal of a portion of CUP #2135 containing 11.1 acres (not the entire 18.8 acre CUP #2135) and an expansion of 4 acres to the east, totalling 15.1 acres as shown on the legal description and as the "lease area" on the Survey Map prepared by Williamson Surveying dated 3/5/20 and attached to the application materials. This area is also shown on various application maps, but some maps (such as the first map on the Staff Comments dtd 9/9/20) continue to show the whole 18.8 acres of #2135 plus the additional 4 acres, which is not per the lease or application for CUP #2505, the approval of the Town of Vermont, or our agreement with the operators. We are in support of the CUP application for the specific 15.1 acres shown on the Survey Map, as was approved by the Town of Vermont Board on 9/14/20. Thank you.

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Please see the attached Written Comments.

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WRITTEN COMMENTS

TO: Dane County Zoning & Land Regulation Committee (ZLR)

From: Robert C. Procter, Axley Brynelson, LLP

DATE: September 18, 2020

RE: CUP 2020 – 2500: East of 5423 Reiner Road, Section 23, Town of Burke
Our File No. 15171.83844

We represent Wolf Paving & Excavating of Madison, Inc. regarding the application of a conditional use permit (CUP) for Mineral Extraction, and provide the following comments in support of its application.

1. **Town Board Approval.** The Town of Burke Board unanimously recommended approval of the application. As in other cases where the City of Madison has objected, this Committee has recognized that the Town is the primary local government with jurisdiction over the proposal. The applicant currently operates its existing facility across from the Burke Town Hall and Park. The Town Board understands the use and its impact, and has unanimously approved it.
2. **City of Madison's Objection.** This Commission recently reviewed and approved a similar application for a CUP from Zignego Ready Mix, Inc., to operate a ready-mix plant approximately one-third of a mile from the applicant's site. The City of Madison made almost the same objections to Zignego's CUP application. Staff prepared a memorandum addressing those concerns, and those conclusions apply equally to this application. Attached is a copy of Todd A. Violante's Memorandum addressing the City of Madison's objections to the Zignego CUP.



3. **Future Land Use.** The applicant has met three times with City staff relating to the Reiner Neighborhood Development Plan to discuss the area, and has been told by staff that the plan is now on hold. The applicant discussed with the City the possible future development of residential uses, but that such development will not happen until a significant date in the future. In recognition of such future use, the applicant plans to include in its reclamation plan that the property will be reclaimed for future residential development.
4. **Duration.** When the County approved the Zignago CUP, there was not a duration placed on it. In this case, the applicant believes that a thirty-year duration is appropriate because it is extremely unlikely there will be residential development in this area for that period of time.

RCP



Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703-3342

Fax (608) 267-1540

www.countyofdane.com/plandev/

Planning

(608)266-4251, Rm. 116

Records & Support

(608)266-4251, Rm. 116

Zoning

(608)266-4266, Rm. 116

MEMORANDUM

TO: Dane County Zoning & Land Regulation Committee (ZLR)

FROM: Todd A. Violante, AICP, Director

DATE: Friday, August 10, 2018

RE: CUP 2416 for a Concrete Batch Plant in the Town of Burke

The purpose of this memo is to offer additional guidance to ZLR members as they consider conditional use permit (CUP) 2416; it's intended to complement the staff report and all other material associated with this petition and included in the Legistar record. The decision making context for the proposal is multifaceted, challenging, and complex.

ZLR essentially has two options for action: either deny CUP 2416, or approve it with conditions. While denial is an option, in light of the factors outlined below, Planning and Development Department staff recommend approval of CUP 2416 with the 24 conditions proposed in the associated staff report (which include the 10 conditions approved by the town of Burke). While there may be fair and compelling arguments to the contrary, staff believe that there is a preponderance of factors in support of approval.

The proposed use is largely compatible with the majority of uses in the immediate area, most of which are intensive, similar uses (e.g. asphalt plant; landfill; trucking company; electric substation; multiple quarries; and numerous intensive commercial uses). Based on experience, as well as substantial evidence as defined in state statutes and information submitted by the applicant, staff feel that the valid and tangible concerns raised in opposition to the proposal by nearby residents in the Ambassador Condominiums can reasonably and effectively be addressed with appropriate conditions, as outlined in the staff report.¹

While comprehensive plan consistency has been raised as an issue, there are other complicating considerations. The town of Burke, the primary local government with jurisdiction over the proposal, approved the CUP. Although the town of Burke/Dane County comprehensive plan for the area calls for

¹ One point of clarification is warranted in regard to the email comments submitted by nearby property owners. A great deal of concern was expressed and information submitted about the health and environmental impacts of cement manufacturing. It is important to clarify that a concrete batch plant is *not* a cement manufacturing plant. Cement manufacturing is a much more intensive land use. While cement is one of the ingredients of concrete, among other elements like water, sand, and gravel, it is not being manufactured on this site.

possible future residential development on the parcel (as does the city of Madison's peripheral development plan), the town of Burke supports the use, and the Town of Burke Hall is immediately adjacent to the subject site. Additionally, state law does not require consistency between conditional use permits and comprehensive plans: Section 66.1001(2m)(b), Wis. Stats., states the following: "A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan." While the comprehensive plan consistency requirement is applied stringently to rezoning requests, local jurisdictions are allowed more discretion when it comes to CUPs. Local governments *may* apply comprehensive plan policies to CUP decisions, but they are not bound to them. Rather, CUP decisions rely more on a quasi-judicial process of meeting ordinance standards and ameliorating secondary impacts based on appropriate conditions. CUP 2416 is further complicated by the holdover zoning district of A-1 Agriculture, which only exists in the town of Burke and three other towns in Dane County: A-1 allows both residential development as a permitted use, and more intensive conditional uses like concrete batch plants, sanitary landfills, radio towers, and mineral extraction, *all in the same zoning district*.

In this particular case, department staff believe that the use as proposed in CUP 2416 is a better use of the site than residential. The surrounding area has many, long-established and very intensive land uses that may continue for decades. Introducing new residential uses on the subject parcel may not be the most appropriate or compatible use for the site. It is important that this larger land use context be understood before rendering a decision.

Regarding our standards for CUPs, the city of Madison raised concerns over the second and third standards:

2. "That 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; and
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."

In the second standard, staff feel that the operative word is *substantially*. The concerns of surrounding property owners are extremely important, and with the appropriate conditions and enforcement, the goal is for there to be little impact on surrounding properties from the proposed development. Regarding the third standard, as noted above, this area of urban-rural interface is already a very intensively used rural industrial neighborhood containing many uses similar to the one proposed, most of which are allowed in the A-1 zoning district, and many other existing uses and parcels are zoned for commercial use. The use proposed for this parcel is normal for the surrounding area, and again, with the appropriate conditions and enforcement, would be operated in an orderly fashion.

Wisconsin Statutes, s. 59.69(5e)(b)(1), states, "If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence." The applicant has agreed to the 24 proposed conditions.

In conclusion, while CUP 2416 presents a relatively intense land use, there are numerous such plants and similar uses throughout Dane County, many in close proximity to residential areas. They are necessary for the growth and development of our communities, and some of them should reasonably be located close to urban areas, nearer to sites of current and future development, and in proximity to mineral extraction operations to minimize travel distances. If done properly, they can successfully coexist with other land uses. Questions have been raised over comprehensive plan consistency, CUP standards, and secondary impacts. In light of recent amendments to state law pertaining to CUPs, the broader land use context of the proposal, the specific elements of the proposal, and the applicant being amenable to the proposed conditions, Department staff support approval of CUP 2416 with the 24 recommended conditions.

DANE COUNTY ZONING & LAND REGULATION COMMITTEE

REMOTE MEETING APPLICANT REGISTRATION FORM

Applicants for a rezoning petition must fill out this form prior to participating in a remote meeting of the zoning committee. Please submit completed forms by email at your earliest convenience. Attach your completed form to an email and send to: lane.roger@countyofdane.com.

DATE of Meeting:

Your Name:

Your Mailing Address:

Your Phone #:

Zoning Petition/CUP#:

Your Email Address:

Please check all appropriate boxes below to indicate your interest in addressing the ZLR Committee and, if applicable, your acceptance of any town and/or staff recommended conditions of approval on the proposal.

Wish to Speak in Support

I Understand and Accept the Recommended Conditions

Wish to Register in Support

I Do Not Understand and/or Accept the Recommended Conditions

Available for Information

Please use the space below to provide a brief summary of any comments, concerns, or observations you would like to share with the ZLR Committee regarding the proposal.

We understand and accept all conditions with the exception of the term of approval. We plan to speak on this matter as part of our allowed 5 minutes during the meeting.

NOTE: THIS MEETING REGISTRATION FORM IS ONLY FOR APPLICANTS OR THEIR AGENTS!

This registration form may be used by the ZLR Committee to assist in determining if your proposal is eligible for inclusion on a consent agenda. Multiple zoning petitions on a consent agenda may be recommended for approval through a single motion of the committee, thus expediting the meeting.

To be eligible for inclusion on a consent agenda, there must be:

- 1. No public opposition to the proposal;**
- 2. No unresolved questions/issues by committee members or staff;**
- 3. Town action has been received and no concerns noted by the town in their approval;**
- 4. Applicant acknowledgment and acceptance of any recommended conditions**

Petitions without town action may also be included on a consent agenda and recommended for postponement to a future meeting.