

Dane County Conditional Use Permit Application


Application Date	C.U.P Number
01/18/2018	DCPCUP-2018-02412
Public Hearing Date	
03/27/2018	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME HRK LLC	Phone with Area Code (608) 884-1023	AGENT NAME RYAN KRATKY	Phone with Area Code (608) 884-1023
BILLING ADDRESS (Number, Street) 1242 STATE HIGHWAY 73		ADDRESS (Number, Street) 1242 STATE RD 73	
(City, State, Zip) EDGERTON, WI 53534		(City, State, Zip) Edgerton, WI 53534	
E-MAIL ADDRESS ryankratky@icloud.com		E-MAIL ADDRESS info@overthevines.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
southeast of 1242 STH 73				south of 1242 STH 73	
TOWNSHIP ALBION	SECTION 10	TOWNSHIP	SECTION	TOWNSHIP Albion	SECTION 10
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0512-101-9501-0		---		0512-101-9460-0	


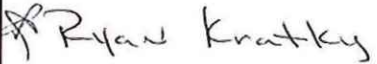
CUP DESCRIPTION
winery, tasting room

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
10.13(2)(c)	4.83

DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	Inspectors Initials SCW1	SIGNATURE:(Owner or Agent)  PRINT NAME: Ryan Kratky DATE: 1-18-18
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Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
01/18/2018	DCPREZ-2018-11261
Public Hearing Date	C.U.P. Number
03/27/2018	DCPCUP-2018-02412

OWNER INFORMATION				AGENT INFORMATION			
OWNER NAME HRK LLC		PHONE (with Area Code) (608) 884-1023		AGENT NAME RYAN KRATKY		PHONE (with Area Code) (608) 884-1023	
BILLING ADDRESS (Number & Street) 1242 STATE HIGHWAY 73				ADDRESS (Number & Street) 1242 STATE RD 73			
(City, State, Zip) EDGERTON, WI 53534				(City, State, Zip) Edgerton, WI 53534			
E-MAIL ADDRESS ryankratky@icloud.com				E-MAIL ADDRESS info@overthevines.com			
ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3			
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP			
southeast of 1242 STH 73		south 1242 STH 73					
TOWNSHIP ALBION	SECTION 10	TOWNSHIP ALBION	SECTION 10	TOWNSHIP	SECTION		
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED			
0512-101-9501-0		0512-101-9460-0					
REASON FOR REZONE				CUP DESCRIPTION			
ZONING COMPLIANCE WITH WINERY OPERATION/BREWERY AND TASTING ROOM				WINERY, TASTING ROOM			
FROM DISTRICT:		TO DISTRICT:		DANE COUNTY CODE OF ORDINANCE SECTION		ACRES	
A-1Ex Exclusive Ag District		C-1 Commercial District		10.13(2)(c)		4.83	
C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		INSPECTOR'S INITIALS		SIGNATURE:(Owner or Agent)	
Applicant Initials_____	Applicant Initials_____	Applicant Initials_____		SCW1			
						PRINT NAME:	
							
						DATE:	
						X 1-19-19	



DANE COUNTY
PLANNING & DEVELOPMENT

Zoning Change Application

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

Items that must be submitted with your application:

o **Written Legal Description of the proposed Zoning Boundaries**

Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

o **Scaled Drawing of the location of the proposed Zoning Boundaries**

The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name HRK LLC Agent's Name Ryan & Billie Marie Kratky
Address 1242 State Rd 73 Edgerton WI 53534 Address 1242 State Rd 73
Phone 608-884-1023 - 314-540-1160 Phone Edgerton WI 53534
Email info@overthelines.com Email info@overthelines.com
Ryan.kratky@icloud.com Ryan.kratky@icloud.com
Town: Albion Parcel numbers affected: 002 / 0512 - 101 - 9460 - 0 = 0.34 Acres
002 / 0512 - 101 - 9501 - 0 = 32.59
Section: 01 Property address or location: _____
Zoning District change: (To / From / # of acres) A-1 to C-1 4.83 Acres

Soil classifications of area (percentages) Class I soils: _____% Class II soils: _____% Other: _____%

Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland
☐ Creation of a residential lot
☐ Compliance for existing structures and/or land uses
☒ Other:

Reason for Change: Need to change from A-1 to C-1 to be compliant with manufacturing of Beer & Wine.

Intended Use: Build two Barns one for Winery & Brewery manufacturing / Tasting Room.

Size of Farm: 03.23 Acres total Farm Request of 4.83 Acres to be divided


Time schedule: Would like to start Project by May 2018

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Ryan Kratky

Date: 1-16-2018

Parcel Number - 002/0512-101-9501-0**Current**[< Parcel Parents](#)[Summary Report](#)

Parcel Summary		More +
Municipality Name	TOWN OF ALBION	
Parcel Description	SEC 10-5-12 PRT SE1/4 NE1/4 E OF HWY EXC...	
Owner Name	HRK LLC	
Primary Address	No parcel address available.	
Billing Address	1242 STATE HIGHWAY 73 EDGERTON WI 53534	

Assessment Summary		More +
Assessment Year	2018	
Valuation Classification	G4	
Assessment Acres	32.590	
Land Value	\$9,200.00	
Improved Value	\$0.00	
Total Value	\$9,200.00	

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

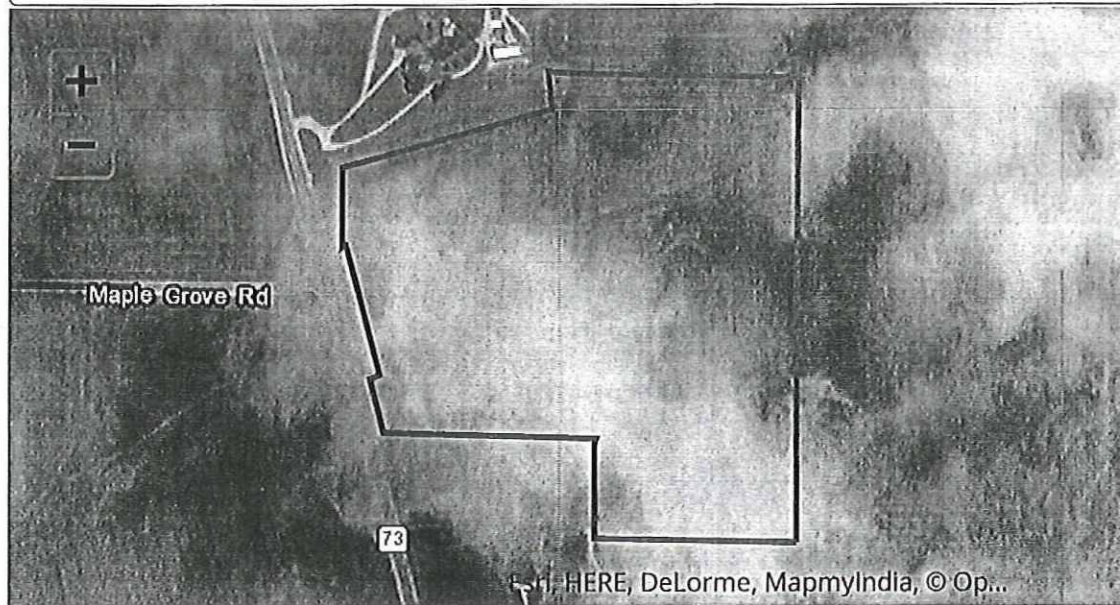
For the most current and complete zoning information, contact the Division of Zoning.

Zoning

A-1(EX)

[Zoning District Fact Sheets](#)

Parcel Maps



DCiMap

Tax Summary (2017)

More +

E-Statement

E-Bill

E-Receipt

Assessed Land Value	Assessed Improvement Value	Total Assessed Value
\$9,200.00	\$0.00	\$9,200.00
Taxes:		\$148.96
Lottery Credit(-):		\$0.00
First Dollar Credit(-):		\$0.00
Specials(+):		\$0.00
Amount:		\$148.96

District Information

Type	State Code	Description
REGULAR SCHOOL	1568	EDGERTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	01EE	EDGERTON EMS
OTHER DISTRICT	01EF	EDGERTON FIRE

Recorded Documents				
Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	04/17/2017	5318650		

Show More ▼

DocLink

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By Parcel Number: 0512-101-9501-0

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Madison, WI 53703



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Parcel Number - 002/0512-101-9460-0**Current**[← Parcel Parents](#)[Summary Report](#)

Parcel Summary		More +
Municipality Name	TOWN OF ALBION	
Parcel Description	SEC 10-5-12 TH PRT N1/2 SW1/4 NE1/4 LYG ...	
Owner Name	HRK LLC	
Primary Address	No parcel address available.	
Billing Address	1242 STATE HIGHWAY 73 EDGERTON WI 53534	

Assessment Summary		More +
Assessment Year	2018	
Valuation Classification	G4	
Assessment Acres	0.340	
Land Value	\$100.00	
Improved Value	\$0.00	
Total Value	\$100.00	

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

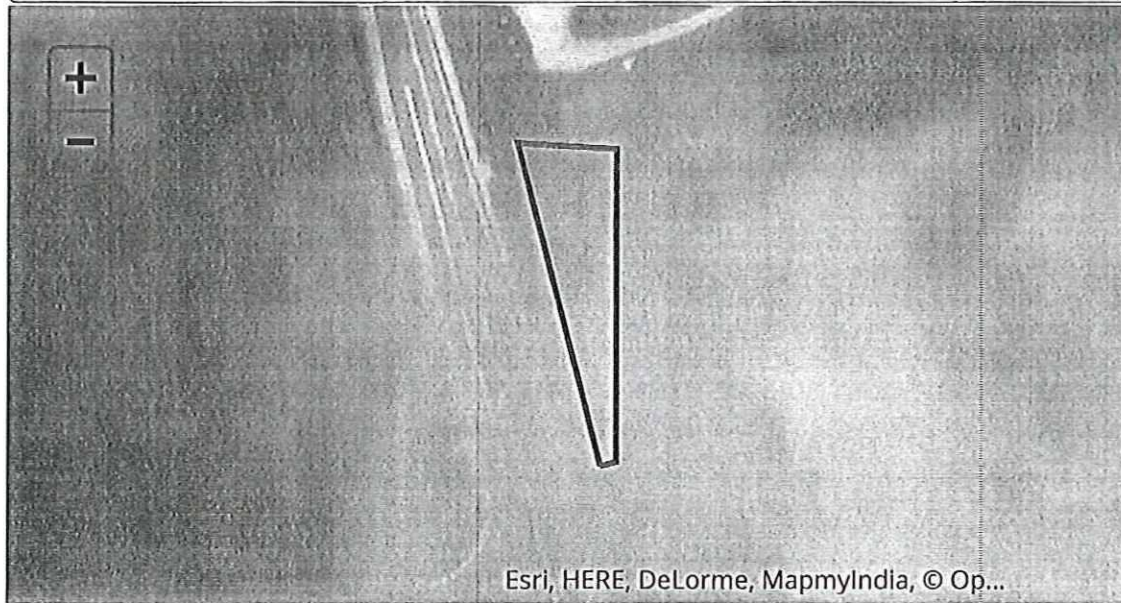
For the most current and complete zoning information, contact the Division of Zoning.

Zoning

A-1(EX)

[Zoning District Fact Sheets](#)

Parcel Maps



DCiMap

Tax Summary (2017)

More +

E-Statement

E-Bill

E-Receipt

Assessed Land Value	Assessed Improvement Value	Total Assessed Value
\$100.00	\$0.00	\$100.00
Taxes:		\$1.61
Lottery Credit(-):		\$0.00
First Dollar Credit(-):		\$0.00
Specials(+):		\$0.00
Amount:		\$1.61

District Information

Type	State Code	Description
REGULAR SCHOOL	1568	EDGERTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	01EE	EDGERTON EMS
OTHER DISTRICT	01EF	EDGERTON FIRE

Recorded Documents

Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	04/17/2017	5318650		

[Show More](#) ▼

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By Parcel Number: 0512-101-9460-0

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10.B(2)(c)



DANE COUNTY
PLANNING & DEVELOPMENT

Conditional Use Application

Application Fee: \$486 Mineral Extraction: \$1136

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

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>HRK LLC</u>	Agent	<u>Ryan & Billie Marie Krutky</u>
Address	<u>1242 State Rd 73</u> <u>Edgerton WI 53534</u>	Address	<u>1242 State Rd 73 Edgerton WI 53534</u>
Phone	<u>608-884-1023</u>	Phone	<u>608-884-1023 - 314-540-1160</u>
Email	<u>info@overthevines.com</u> <u>RyanKrutky@icloud.com</u>	Email	<u>RyanKrutky@icloud.com</u>

Parcel numbers affected: 002 / 0512 - 101 - 9460 - 0 Town: Albion Section: _____
002 / 0512 - 101 - 9501 - 0 Property Address: _____

Existing/ Proposed Zoning District : A1 + C1 *tavern/tasting room - wine & beer.*

o Type of Activity proposed:

- 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)

See Attached.

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: 1-16-2018

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.
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. 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.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

* See Attached. *

signage for this venture. We have 1/4 mile of vineyard wooded end posts along Hwy 73. This will be sufficient awareness that we make wine and beer at the proposed location.

Trash Removal: Trash will be on a weekly schedule from Advanced Disposal out of Fort Atkinson. Currently every Wednesday will be the scheduled.

Six Standards Of CUP

- 1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, Safety, comfort of general welfare.

A: There will not be anything detrimental or endanger public health or safety. When making the wine and the beer in most cases the ingredients will be coming from the surrounding farm land east of the proposed site. There will be some spraying of bugs on the agriculture that is already planted on the proposed site. The spraying will be done in the off hours. Spraying pesticides or fungicides typically will be done in the morning using the IPM (integrated pest management) technique. Our focus will be on the timing of application, not quantity of application.

- 2) The uses, values and enjoyment of other property in the neighborhood for purposed already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

A: There will be very little change to any looks to the proposed site. The buildings we plan on using will be (2) traditional gambrel roof style barns. Both barns will look to be natural to the surroundings of the 1800's. There are no neighbors that will see anything different when they look out their windows, except for our closest neighbors (Brian & Peggy Luther). They will have a 4-acre vineyard

signage for this venture. We have 1/4 mile of vineyard wooded end posts along Hwy 73. This will be sufficient awareness that we make wine and beer at the proposed location.

Trash Removal: Trash will be on a weekly schedule from Advanced Disposal out of Fort Atkinson. Currently every Wednesday will be the scheduled.

Six Standards Of CUP

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- 2) The uses, values and enjoyment of other property in the neighborhood for purposed already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

A: There will be very little change to any looks to the proposed site. The buildings we plan on using will be (2) traditional gambrel roof style barns. Both barns will look to be natural to the surroundings of the 1800's. There are no neighbors that will see anything different when they look out their windows, except for our closest neighbors (Brian & Peggy Luther). They will have a 4-acre vineyard

in every sunset when they look out their west windows.
(They are OK with a vineyard sunset view)

- 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.

A: The winery and brewery will not impede the normality of the surrounding properties. The only neighbors will be the owners of the winery and brewery. The nearest neighbor with a residential house will be over 1,000' from proposed CUP site location.

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

A: Adequate utilities will mainly be electric, as the only utility that we will be needing. Access road will be State Hwy 73, which is currently an approved commercial driveway by the DOT. This was approved in 2014 for Over the Vines, with anticipation of a future winery and brewery to compliment the neighboring private event/wedding venue.

Drainage: All water will be collected from the roof tops for irrigation of Hops. In the future, we would like to have a pond installed for a place to collect water to irrigate the grapes and the hops. Water is our biggest asset. We have to make the agriculture portion of this business prosper, so water collection and redistribution will be essential.

- 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.

A: When Hwy 73 was reconstructed in 2015, we were fortunate to have the turn lanes for Maple Grove Road start and finish by the entrance of the commercial drive ways proposed site. This allows more than enough room for cars to slow down and turn safely off of Hwy 73. Scot Hinkle from DOT approved this driveway location to be safe and minimizes any traffic congestion.

- 6) The Conditional use shall conform to all applicable regulation of the district in which it is located.

A: After approval for land division and rezone, yes, this will be applicable to what Albion would like to see for a small business. This will be 100% agriculture related with vineyards, hop yards, small acreage of wheats, grains, barley and other beer and wine making ingredients. This will encourage local education of not only the manufacturing of the wine and beer, but also encourage teaching of new agriculture production that in many rural areas in Wisconsin are switching from tobacco to Hops and vineyards. There are multiple farmers in the area that are waiting to see how my hops react to the Albion soils and climate to possibly make a change from tobacco to hops.

Overview of what to expect

With the CUP, we would like to make wine and beer at the proposed location. The TTB (Alcohol and Tax Trade Bureau) asked us when proposing this venture to have a separate building for each study. When looking from Hwy 73, there will be some great curb appeal, along with a ¼ mile stretch of vineyards located right up to the right-of-way that has been in place and growing since 2013. In regards to building structures, there will be two 1800's replica barns, 50 x 80 for the winery, along with the same size and look for the brewery.

How this venture started, we planted our first vineyard in Rome, Wisconsin (Jefferson Co.) in 2010. Collectively, with the grape vines in Jefferson County along with current vineyard located at the CUP site there are 5,200 grape vines. This is currently the most in southern Wisconsin, behind David Mitchel in Oregon, WI who has 9,000 plants. In 2017, we set up trellis work for Hops to be grown in 2018. We plan on planting a total of (2) acres of rhizomes next to the proposed site for an estimated production date of 2021. We currently own approximately 67 acres that will be utilized for growing other beer and wine ingredients. We will be growing grains, barleys, wheats and different berries. Currently, we grow five varieties of grapes that will make approximately 15,000 bottles of wine from our estate grapes.

What will make this CUP different than any other location in the state of Wisconsin - the customer will be able to touch, feel and smell the ingredients that are being used in the wines and beers manufactured and sold on-site. Of

course, we will need some other ingredients that we are not able to grow in Wisconsin, but farm to glass will be the main focus. There is a movement in Wisconsin that promotes buy local and FARM TO TABLE this will promote the same theory with it being FARM TO GLASS.

Our wines have had great exposure already with being located in some local grocery stores and restaurants from Edgerton, Milton, Watertown, Fort Atkinson, Lake Mills, and the East side Madison Hy-Vee store. In 2017, one of our wines were in the running for the senior PGA tour for their sweet white wine category.

The same ownership also owns Over the Vines Vineyard and Wine Barn, which is located next to the proposed site.

Over the Vines is a 5-star private event/wedding venue with numerous awards for being a top wedding venue in the state of Wisconsin. Over the Vines and its weddings have been featured in multiple online, social media, and wedding publications such as The Knot, Style Me Pretty, and Wisconsin Bride magazine.

We plan on bringing the same professionalism to the winery and brewery businesses that are proposed in the CUP as we do with the current business.

The ownership is comprised of Ryan & Billie Marie Kratky. Prior to being grape farmers and private event/wedding venue owners, Billie Marie worked in the legal field of Intellectual Property and Insurance litigation for 10+ years in St. Louis and Madison. Ryan worked in Commercial and Private banking at Citi Bank in St. Louis, and US Bank on the Square in Madison. We have been blessed with raising a set of 6-year-old twins on the current property, along with one cat and two dogs. We plan to stay in the community and have our kids attend Edgerton schools for their education. Ryan is currently helping as assistant coach for the Edgerton Youth Basketball program.

One of our future hopes/interest will be to get the University of Wisconsin involved on the enology (making of wine) side of the business for educational purposes, and Ryan has started to make the necessary contacts for this going forward. We understand the importance of giving back to the community, so we donate (financially and through our wine products) each year to community and personal interests, such as the Albion Tigers baseball, Edgerton Hospital fundraisers, and multiple smaller

fundraisers for area residents and organizations.

Exclusive Agriculture District. [Rear yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any residence (R) district.]

(10) General provisions applicable to the A-4 district. In addition to the conditions provided for in sections 10.16(1) through (6)(a), the following additional conditions shall apply:

(a) Any agricultural accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt in the same location, even though such location may not comply with the setback requirements of this section.

(b) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.

(c) Any permitted or conditional use in the A-4 Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

(11) Rezoning of land in the A-4 Small Lot Agriculture District. No land in the Small Lot Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

[History: cr., OA 21, 2008-09, pub. 02/05/09; (2)(d), (3)(d), and (9)(a) am., OA 4, 2011-12, pub. 08/01/11; 10.129 (entire) am., OA 13, 2012-13, pub. 12/18/12; (2) am., 2015 OA-16, pub. 12/04/15.]

10.13 C-1 COMMERCIAL DISTRICT. (1)

Permitted uses. **(a)** Retail and service uses including, but not limited to, grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size.

(b) Self service laundries and dry cleaning establishments.

(c) Warehousing and storage incidental to a permitted use on the premises. Mini-warehouses are excluded from use in this (C-1) district.

(d) Medical, dental and veterinary clinics.

(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space.

(f) Utility services.

(g) Rooming and boarding houses.

(h) Bakeries, printing plants, laundries, dry cleaning plants.

(i) Distribution centers and wholesale businesses.

(j) Woodworking shops, machine shops, manufacturing and assembly plants.

(k) Bicycle sales and service.

(L) Rental businesses, except for motor vehicles and construction machinery and equipment.

(m) Experimental laboratories not to exceed 5,000 square feet of floor area.

(o) Sales and repair of lawn and garden equipment.

(p) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(q) Marinas.

(r) Off-site parking of motor vehicles as provided in section 10.18(3)(c).

(s) Crematoriums.

(t) All uses permitted in the LC-1 Limited Commercial District.

(2) Conditional uses permitted in the C-1 Commercial District.

(a) Single family residences, duplexes, multi-family residences.

(b) Banks, offices, office buildings and condominium office buildings devoting more than two (2) floors to office space.

(c) Motels, hotels, taverns, funeral homes and drive-in establishments.

(d) Hospitals, veterinary hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in s. 10.08(10).

(f) Outdoor amusement parks or other entertainment activity that is open to the public on either a permanent or temporary basis.

(g) Indoor or outdoor movie theater.

(h) Automobile laundries, car wash facilities.

(i) Dog and cat boarding kennels, grooming and training facilities.

(j) Communication towers.

(k) Storage of motor vehicles awaiting disposition either as abandoned vehicles or for the settlement of an insurance claim.

(m) Governmental uses.

(n) Agricultural uses.

(o) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(3) Building height limit. **(a)** For business buildings, including offices, the maximum building height shall be four (4) stories, provided, however, that a conditional use permit shall be required for any building that provides more than two (2) stories devoted to office space.

(b) Lots or building sites for residential purposes or for combined business and residential uses shall comply with the requirements of the R-4 Residence District.

(4) Area, frontage and population density regulations. Area, frontage and population

density regulations shall be the same as for the B-1 Local Business District.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* (a) For buildings to be used exclusively for business purposes the minimum depth of any rear yard shall be 10 feet.

(b) For residential buildings, or buildings combining residential and business uses, the minimum depth of any rear yard shall be 25 feet.

(8) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(8) shall be complied with prior to the issuance of a certificate of compliance.

[History: (1)(q) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (1)(c) am., OA 1, 1994-95, pub. 09/02/94; (2)(c) and (3)(a) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (1)(r) cr., OA 39, 1997-98, pub. 08/17/98; (8) am., OA 3, 2000-01, pub. 10/19/00; (1)(s) cr., OA 38, 2004-05, pub. 09/12/05; (1)(t) cr., OA 27, 2005-06, pub. 05/16/06.]

10.14 C-2 COMMERCIAL DISTRICT.

(1) *Permitted uses.* (a) All uses permitted in the C-1 Commercial District without limitations as to size.

(b) Major repairs to motor vehicles.

(c) Sales of new and used motor vehicles.

(d) Sales of new and used mobile homes, recreational equipment rental, sales and service.

(e) Sales of new and used contractor's machinery and equipment.

(f) Repairs, storage and service of contractor's machinery and equipment.

(g) Rental and leasing of motor vehicles, contractor's machinery and equipment.

(h) Bulk fuel storage, sales and storage of lumber and building material.

(i) Truck and bus terminals.

(j) Auxiliary or supplemental electric generating stations.

(k) Fertilizer mixing or blending plants.

(L) Slaughterhouses, meat processing plants.

(m) Bottling plants.

(n) Utility services.

(o) Storage, repair and maintenance of carnival, concession and circus machinery and equipment.

(p) Automobile and truck driver training schools and construction equipment operator training schools that are privately owned and operated for profit.

(q) Parking or storing of motor vehicles.

(r) Storage or processing of scrap or waste materials, conducted entirely within a building.

(s) Warehouses.

(t) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(u) Mini-warehouses.

(v) Adult book stores, subject to the standards set forth in s. 10.193.

(w) All uses permitted in the LC-1 Limited Commercial District.

(2) *Conditional uses permitted in the C-2 Commercial District.*

(a) Outdoor amusement parks or other entertainment activity whether on a permanent or temporary basis that is open to the general public.

(b) Movie theaters, outdoor theaters.

(c) Drive-in establishments.

(d) Automobile race tracks, snowmobile race tracks and courses, all-terrain vehicle race tracks and courses and motorcycle race tracks including moto-cross and hill climbing courses.

(e) Mineral extraction subject to the special conditions of section 10.191.

(f) Solid waste disposal operations, sanitary landfill sites.

(g) Auto laundries, car washes.

(h) Taverns.

(i) Residence for a watchman or caretaker.

(j) Communication towers.

(k) Dog and cat boarding kennels, grooming and training facilities.

(L) Governmental uses.

(m) Agricultural uses.

(n) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(o) Religious uses.

(p) Motels and hotels.

(q) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions relating to explosive materials.

(3) *Building height limit.* The maximum height for all buildings shall be fifty (50) feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.

(4) *Area, frontage and population density regulations.*

(a) The area and frontage shall be the same as for the B-1 Local Business District.

(b) Any principal building together with its accessory building shall not cover more than sixty percent (60%) of the lot area.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall conform to the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* (a) For business and commercial buildings, the minimum depth of any rear yard shall be 10 feet.

(8) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a certificate of compliance.

(10) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (1)(u) cr., OA 1, 1994-95, pub. 09/02/94; (2)(o) cr., OA 42, 1994-95, eff. 09/26/95; (2)(d) am., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (2)(p) cr., OA 15, 1996-97, pub. 01/06/97; (2)(c) and (e) and (8) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (10) cr., OA 39, 1997-98, pub. 08/17/98; (1)(v) cr., OA 3, 1998-99, pub. 09/24/98; (2)(q) cr., OA 22, 1999-2000, pub. 06/27/00; (1)(w) cr., OA 27, 2005-06, pub. 05/16/06.]

[History: 10.141: (1)(c) am., petition #4047, pub. 09/14/87; (8) am., OA 16, 1996-97, pub. 01/16/97; (9) cr., OA 39, 1997-98, pub. 08/17/98; (7)(a) and (b) am., OA 3, 2000-01, pub. 10/19/00; 10.141 resc., OA 10, 2010-11, pub. 12/10/10.]

10.145 EXP-1 EXPOSITION DISTRICT.

(1) The purpose of the EXP-1 Exposition District is to provide for a district in which may be conducted the usual and customary activities associated with fairgrounds and exposition centers, as permitted uses, and to provide for related activities on a discretionary basis, as conditional uses.

(2) The following are permitted uses in the EXP-1 Exposition District:

- (a) fairs, carnivals, circuses and similar events;
- (b) animal shows, including without limitation because of enumeration, horses, cattle, sheep, swine, poultry, cats, dogs, rabbits, mink and other animals;
- (c) sporting events and practices for same;
- (d) concerts and other musical events;
- (e) commercial expositions and trade shows;
- (f) conferences and meetings;
- (g) governmental offices;
- (h) rental of any permitted facility or facilities to the public;
- (i) accommodation of temporary overnight stays by participants in permitted events, whether

housed in campers, motorhomes, camping trailers, tents or dormitories;

(j) utility services;

(k) buildings and structures to house any permitted use; and

(L) any 4-H related activity.

(m) parking or storing of motor vehicles.

(3) The following are conditional uses in the EXP-1 Exposition District:

(a) governmental uses other than governmental offices;

(b) buildings of a height greater than 100 feet.

(c) hotels.

1. Accessory uses typically associated with exposition center hotels may also be allowed but only as incidental to the operation of a hotel.

(4) There shall be a building height limit of 100 feet for permitted uses.

(5) There shall be no minimum area, frontage or density requirements for permitted uses.

(6) Building setback shall be as required in s. 10.17.

(7) Side yard and rear yard requirements shall each be a minimum of 10 feet, except that there shall be no minimum side yard or rear yard requirements where lots zoned EXP-1 adjoin one another.

(8) Off-street parking shall be provided as required in s. 10.18, except that parking spaces for any use on a lot zoned EXP-1 may be located on an adjacent lot where such adjacent lot is also zoned EXP-1.

[History: 10.145 cr., Sub. 1 to OA 10, 1989-90, pub. 11/13/89; (2)(m) and (3)(c) cr. and (7) and (8) am., OA 23, 1997-98, pub. 08/17/98.]

10.15 M-1 INDUSTRIAL DISTRICT. (1)

Permitted uses. (a) Major repairs to motor vehicles.

(b) Sales of new and used motor vehicles.

(c) Sales of new and used mobile homes.

(d) Sales of new and used contractor's machinery and equipment.

(e) Repairs and service of contractor's machinery and equipment.

(f) Rental and leasing of motor vehicles, contractor's machinery and equipment.

(g) Bulk fuel storage, sales and outside storage of lumber and building material.

(h) Truck and bus terminals.

(i) Auxiliary or supplemental electric generating stations.

(j) Fertilizer mixing or blending plants.

(k) Slaughter houses, meat processing plants.

(L) Bottling plants.

(m) Utility services.

- (n) Foundries and forging plants.
- (o) Structural steel fabrication plants.
- (p) Metal pressing, stamping or spinning plants.
- (q) Manufacturing and assembly plants for automobiles, farm equipment and construction machinery.
- (r) Mobile home and manufactured housing plants.
- (s) Parking or storing of motor vehicles.
- (t) Storage or processing of scrap or waste materials, conducted entirely within a building.
- (u) All uses permitted in the C-2 Commercial District.
- (2) *Conditional uses permitted in the M-1 Industrial District.*
 - (a) Drive-in establishments.
 - (b) Automobile racetracks, motorcycle race tracks including moto-cross and hill climbing courses.
 - (c) Mineral extraction subject to the special conditions of section 10.191.
 - (d) Solid waste disposal operations, sanitary landfill sites.
 - (e) Auto laundries, car washes.
 - (f) Taverns.
 - (g) Residence for watchman or caretaker.
 - (h) Salvage recycling centers.
 - (i) Fertilizer manufacturing plants.
 - (j) Explosive and chemical manufacturing plants.
 - (k) Communication towers.
 - (L) Governmental uses.
 - (m) Agricultural uses.
- (3) *Building height limit.* The maximum height for all buildings shall be 50 feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.
- (4) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.
- (5) *Side yard requirements.* For business or commercial buildings no side yards shall be required for interior lots; provided, however, that if a business or commercial building is built on a lot adjacent to a lot or parcel zoned residential, then that business or commercial building shall provide a side yard equal to that which is required for the building on the adjacent lot.
- (6) *Rear yard requirements.* For business and commercial buildings, the minimum depth of any rear yard shall be 10 feet.
- (7) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

- (8) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a certificate of compliance.

[History: (2)(h) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(a) and (c) and (8) am., OA 16, 1996-97, pub. 01/16/97; (2)(k) cr., OA 57, 1996-97, pub. 09/02/97.]

10.151 AED ADULT ENTERTAINMENT OVERLAY DISTRICT.

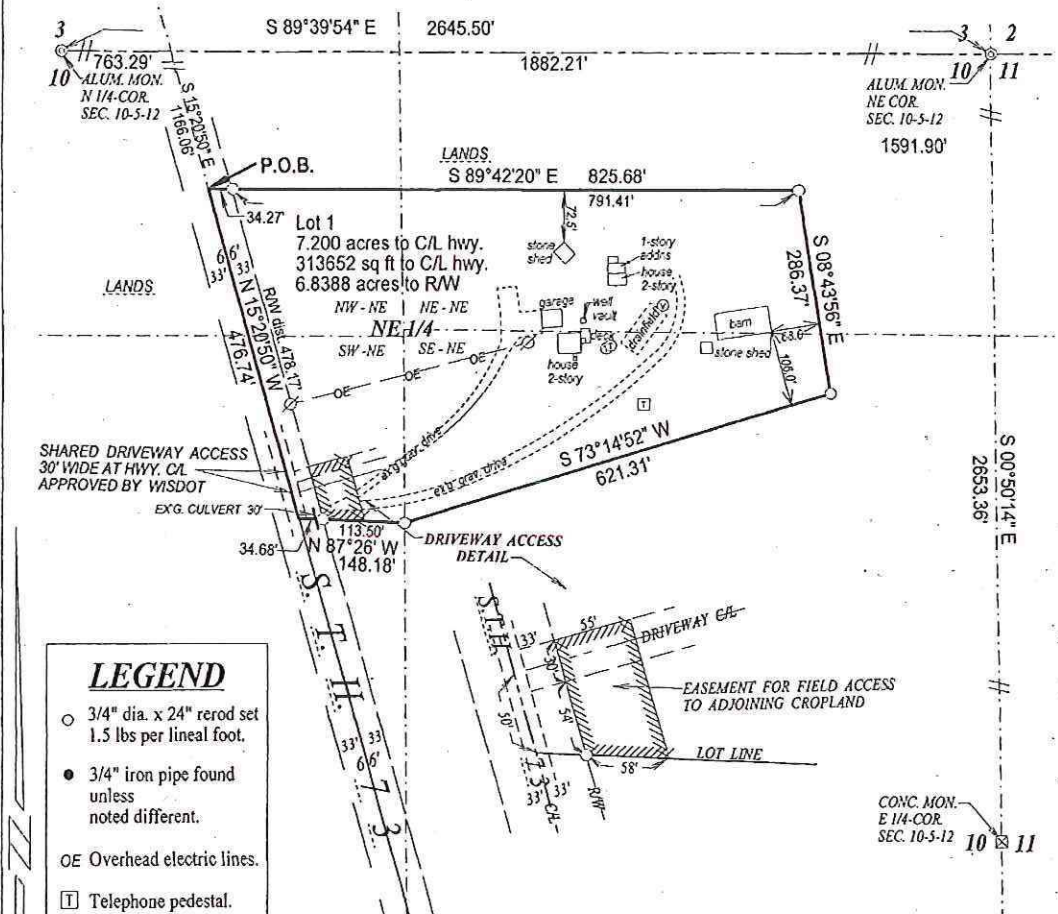
(1) *Statement of Purpose.* It is the purpose of this ordinance to establish reasonable and uniform regulations of the use of property for adult entertainment establishments in order to prevent the adverse secondary effects associated with these businesses and thereby promote the health, safety, morals, and general welfare of the citizens of Dane County. It is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by the exhibitors of sexually oriented entertainment to their intended market.

(2) *Findings.* While the County Board recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights, based on evidence concerning the adverse secondary effects of adult entertainment establishments on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Thirteen Mile Rd. Inc. v. Warren*, 626 F. Supp. 803, (E.D. Mich. 1985); *Alexander v. Minneapolis*, 713 F. Supp. 1296 (DC Minn. 1989); *7250 Corp. v. Board of County Comrs.*, 799 P.2d 917 (Col. 1990); *Chicago v. Scandia Books, Inc.*, 102 Ill App. 3d 292 (1st Dist. 1981); *Islip v. Caviglia*, 540 N.E.2d 215 (N.Y. 1989); *Dumas v. Dallas*, 648 F. Supp. 1061 (N.D. Tex. 1986); *International Eateries of America, Inc. v. Broward County*, 726 F. Supp. 1568 (S.D. Fla. 1989); *Walnut Properties, Inc. v. City Council of Long Beach*, 100 Cal. App. 3d 1018 (2d Dist. 1980); *S&G News, Inc. v. Southgate*, 638 F. Supp. 1060 (E.D. Mich. 1986); *U.S. Partners Financial Corp. v. Kansas City*, 707 F. Supp. 1090 (W.D. Mo. 1989); *City of Vallejo v. Adult Books*, 167 Cal. App. 3d xxx (1st Dist. 1985); *County of Cook v. Renaissance Arcade & Bookstore*, 122 Ill 2d 123 (1988); *Derusso v. City of Albany, NY*, 205 F. Supp. 2d 16 (N.D. N.Y. 2002); *Mom N Pops, Inc.*

CERTIFIED SURVEY MAP FOR A 7.2-ACRE PARCEL LOCATED IN THE NE 1/4 OF SECTION 10, T 5 N, R 12 E, TOWN OF ALBION, DANE COUNTY, WISCONSIN, AND MORE PARTICULARLY IN PARTS OF THE NE 1/4 OF THE NE 1/4, SE 1/4 OF THE NE 1/4, SW 1/4 OF THE NE 1/4, AND NW 1/4 OF THE NE 1/4.

Notes:

- 1) Surveyed for Ann E. Gerlich, 11540 S. Twin Lakes Rd., Solon Springs, WI 54873, owner of record, per QCD, Doc. No. 4468755.
- 2) Property address is 1242 State Highway 73, Edgerton, WI 53551.
- 3) Bearings are referenced to the north line of NE 1/4, Sec. 10-5-12, bearing N89°39'54"W from an assumed NORTH.
- 4) Refer to building site information contained in Dane County Soil Survey.



ORDER NO. AB 3799-11
 Drafted at ABEX Survey Company
 101 E. Main St. P.O. Box 369
 Cambridge, WI 53523
 608-423-3331
 DRG. NO. 3799



SHEET 1 OF 3 SHEETS

DOC. NO. 4850495

CSM NO. 13248

VOL. 85 P. 197

c/q

(3)

CERTIFIED SURVEY MAP FOR A 7.2-ACRE PARCEL LOCATED
IN THE NE 1/4 OF SECTION 10, T 5 N, R 12 E, TOWN OF ALBION, DANE COUNTY, WISCONSIN,
AND MORE PARTICULARLY IN PARTS OF THE NE 1/4 OF THE NE 1/4, SE 1/4 OF THE NE 1/4,
SW 1/4 OF THE NE 1/4, AND NW 1/4 OF THE NE 1/4.

SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, Glen L. Northrop, hereby certify that the land described and mapped hereon was surveyed, divided, and mapped under my direction and supervision in accord with Chapter 236.34 of the Wisconsin Statutes and that this map is a true representation of the field survey made and shows the size and location of the property, all visible structures, apparent easements, roadways and visible encroachments (if any) as of this date. Said lands being located in the NE 1/4, Section 10, T 5 N, R 12 E, Town of Albion, Dane County, Wisconsin, more particularly described as follows:

Commencing at the aluminum monument at the N 1/4-corner of said Section 10, thence S 89°39'54" E, 763.29' to the C/L of S.T.H. 73; thence S 15°20'50" E, 1166.06' along the C/L of S.T.H. 73 to POINT OF BEGINNING; thence S 89°42'20" E, 825.68'; thence S 08°43'56" E, 286.37'; thence S 73°14'52" W, 621.31'; thence N 87°26'00" W, 148.18' to the C/L of S.T.H. 73; thence N 15°20'50" W, 476.74' to the POINT OF BEGINNING, containing 7.200 acres as described and being subject to a 33' R/W over the west 33' thereof for S.T.H. 73.

I further certify that this survey and map are correct to the best of my knowledge and belief.

Dated this 6TH day of MARCH, 2012


Glen L. Northrop S-982



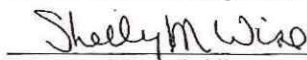
OWNERS CERTIFICATE

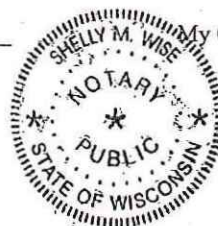
As the owner of the lands described and mapped hereon, I hereby certify that I have caused said land to be surveyed, divided and mapped as represented hereon. I also certify that this Certified Survey Map is required by 75.17(1)(a), Dane County Code Of Ordinances, to be submitted to Dane County Zoning and Land Regulation Committee for approval.


Ann E. Gerlich

STATE OF WISCONSIN)
COUNTY OF ~~DANE~~ ss
Jackson

Personally came before me this 7th day of March, 2012, the above named Ann E. Gerlich, to me known to be the person who executed the foregoing instrument and acknowledge the same.


Notary Public



My Commission expires 02/01/2015

ORDER NO. AB 3799-11
Drafted at ABEX Survey Company
101 E. Main St. P.O. Box 369
Cambridge, WI 53523
608-423-3331
DRG. NO. 3799

SHEET 2 OF 3 SHEETS

DOC. NO. 4850495
CSM NO. 13248
VOL. 85 P. 198

CERTIFIED SURVEY MAP FOR A 7.2-ACRE PARCEL LOCATED
IN THE NE 1/4 OF SECTION 10, T 5 N, R 12 E, TOWN OF ALBION, DANE COUNTY, WISCONSIN,
AND MORE PARTICULARLY IN PARTS OF THE NE 1/4 OF THE NE 1/4, SE 1/4 OF THE NE 1/4,
SW 1/4 OF THE NE 1/4, AND NW 1/4 OF THE NE 1/4.

TOWN OF ALBION APPROVAL

I hereby certify that this Certified Survey Map has been duly presented to the Town of Albion and has been approved for recording.

Julie Hanewall
Julie Hanewall, Clerk, Town of Albion

3-7-12
Date

COUNTY APPROVAL

Approved for recording per Dane County Zoning and Land Regulation Committee action

of MARCH 8, 2012 (date)

Daniel Everson # 9360
Daniel Everson, Authorized Representative

REGISTER OF DEEDS CERTIFICATE

Doc. No. 4850495 received for record this 8th day of MARCH, A.D., 2012,
at 3:45 O'clock P.M. and recorded in Volume 85 Pages 197-199

of Certified Survey Maps of Dane County, Wisconsin.

Kristi Chlebowski By Margot Gunderson Deputy
Kristi Chlebowski, Registrar
received 03-08-2012 @ 12:19 p.m.

ORDER NO. AB 3799-11
Drafted at ABEX Survey Company
101 E. Main St. P.O. Box 369
Cambridge, WI 53523
608-423-3331
DRG. NO. 3799



Glen L. Northrop
3-06-2012

DOC. NO. 4850495

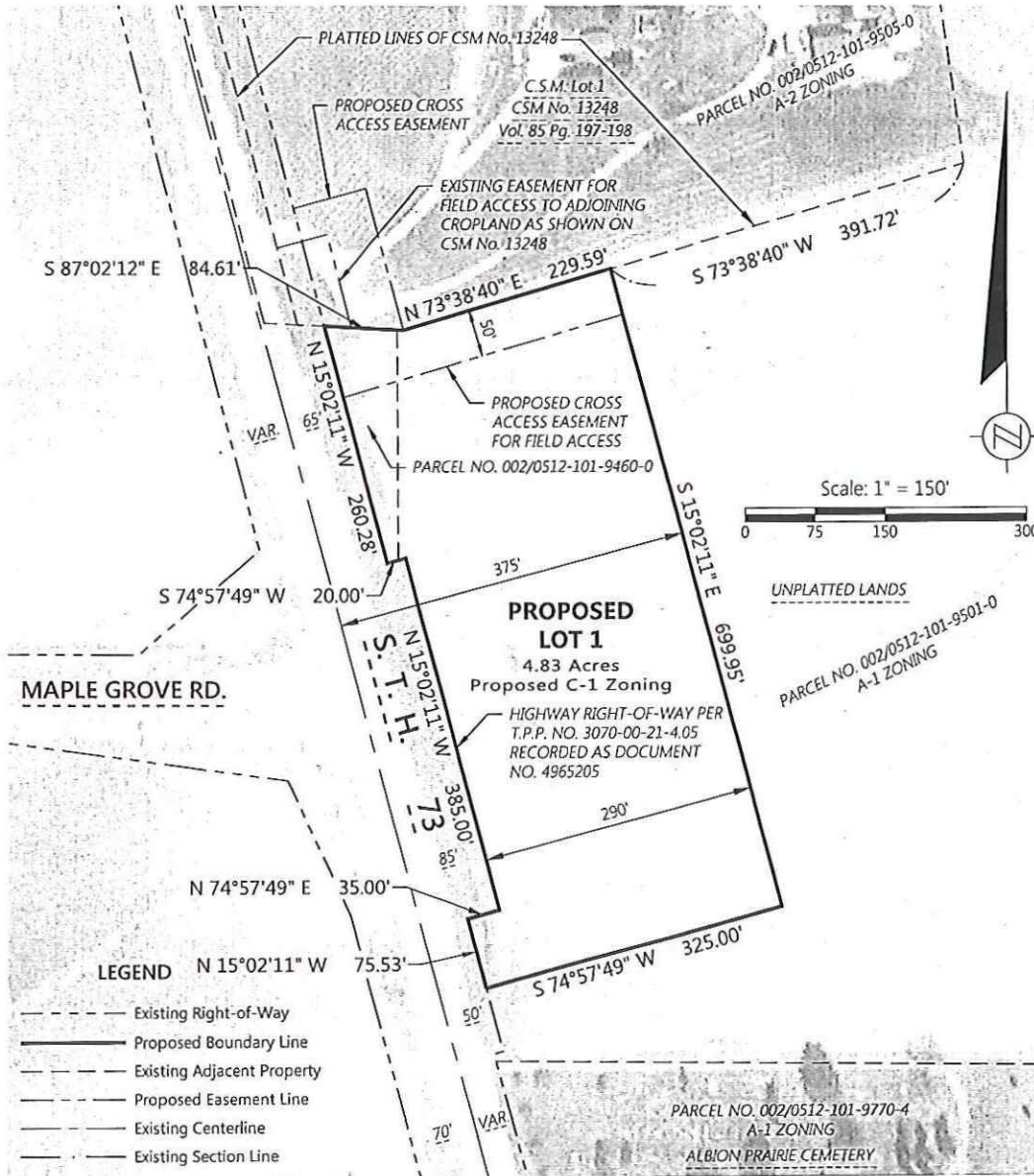
CSM NO. 13248

VOL. 85 P. 199

SHEET 3 OF 3 SHEETS

PRELIMINARY CERTIFIED SURVEY MAP

OF BEING PART OF THE SW 1/4 OF THE NE 1/4
AND PART OF THE SE 1/4 OF THE NE 1/4 OF
SECTION 10, T. 5 N., R. 12 E., OF THE 4TH P.M.,
TOWN OF ALBION, DANE COUNTY, WISCONSIN.



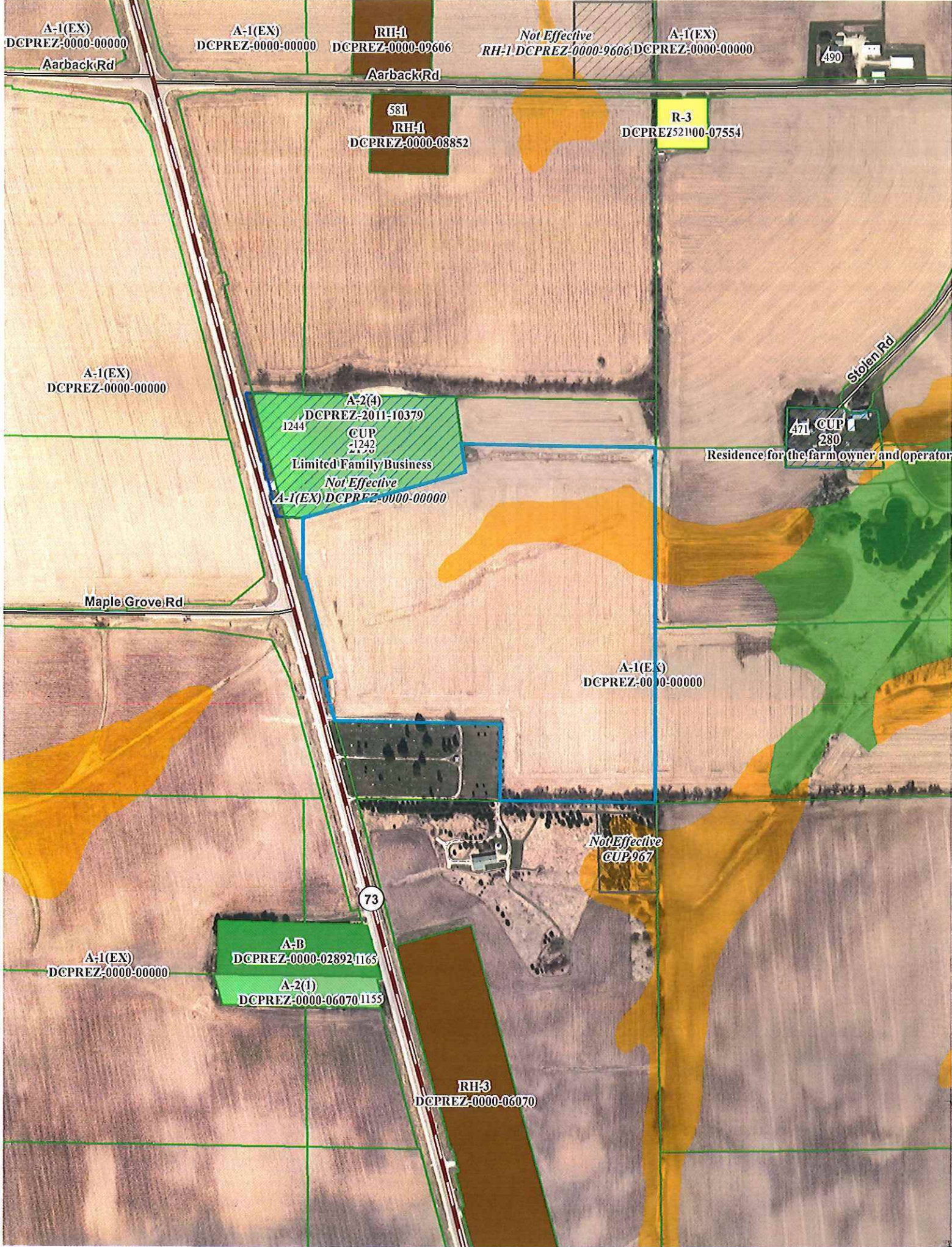
LEGAL DESCRIPTION: Being part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 10, T. 5 N., R. 12 E., of the 4th P.M., Town of Albion, Dane County, Wisconsin; more particularly described as commencing at the Southeast corner of Certified Survey Map No. 13248, recorded as Document No. 4850495 in Volume 85 on Pages 197-199 of Certified Survey Maps; thence South 73°38'40" West, 591.72 feet along the Southerly line of said Certified Survey Map No. 13248 to the place of beginning; thence South 15°02'11" East, 699.95 feet; thence South 74°57'49" West, 325.00 feet to the Easterly right-of-way of S.T.H. 73 from Transportation Project Plat No. 3070-00-21-4.05, recorded as Document No. 4965205; thence along said Easterly right of way, North 15°02'11" West, 75.53 feet; thence continue North 74°57'49" East, 35.00 feet; thence continue, North 15°02'11" West, 385.00 feet; thence continue, South 74°57'49" West, 20.00 feet; thence continue North 15°02'11" West, 260.28 feet to the Southerly line of said Certified Survey Map No. 13248; thence along said Southerly line, South 87°02'12" East, 84.61 feet; thence continue, North 73°38'40" East, 229.59 to the place of beginning. Containing 4.83 acres, more or less. Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

ORDER NO: 32907
BOOK: SEE FILE
FIELD CREW: N/A
DRAWN BY: KJB
DATE: January 15, 2018

FOR THE EXCLUSIVE USE OF:
RYAN & BILLIE MARIE KRATKY
HRK, LLC
1242 STATE ROAD 73
EDGERTON, WI 53534

Batterman
engineers surveyors planners
2857 Bartels Drive Beloit, Wisconsin 53511
608.365.4464 www.rh-batterman.com





Type of activity proposed: Tasting room/retail wine and beer sales (a/k/a tavern), as well as agricultural uses and manufacturing of wine & beer.

Hours of Operation: Tuesday – Sunday 11:00 am to 9:00 pm (Wisconsin law only allows wineries to be open until 9:00 pm). This will be the closing time for both businesses.

Number of Employees: There will be (2) full time employees for each business. Winery is mainly family, but I will bring on (2) new employees to help with the beer manufacturing along with cultivation of hops.

Anticipated customers: Currently, Over the vines will be the largest customer. Note, there is currently enough drive-by traffic off of Hwy 73 (aka State Road 73) to bring in a steady amount of business. We at Over the Vines installed entrance gates in 2015 due to all the random drop by traffic asking if we were a winery or brewery, and requesting a tour and/or wine tasting. Those customers will now have a place to taste and purchase our featured wines and beers. We have the market and exposure already in place, we just need to capture the business.

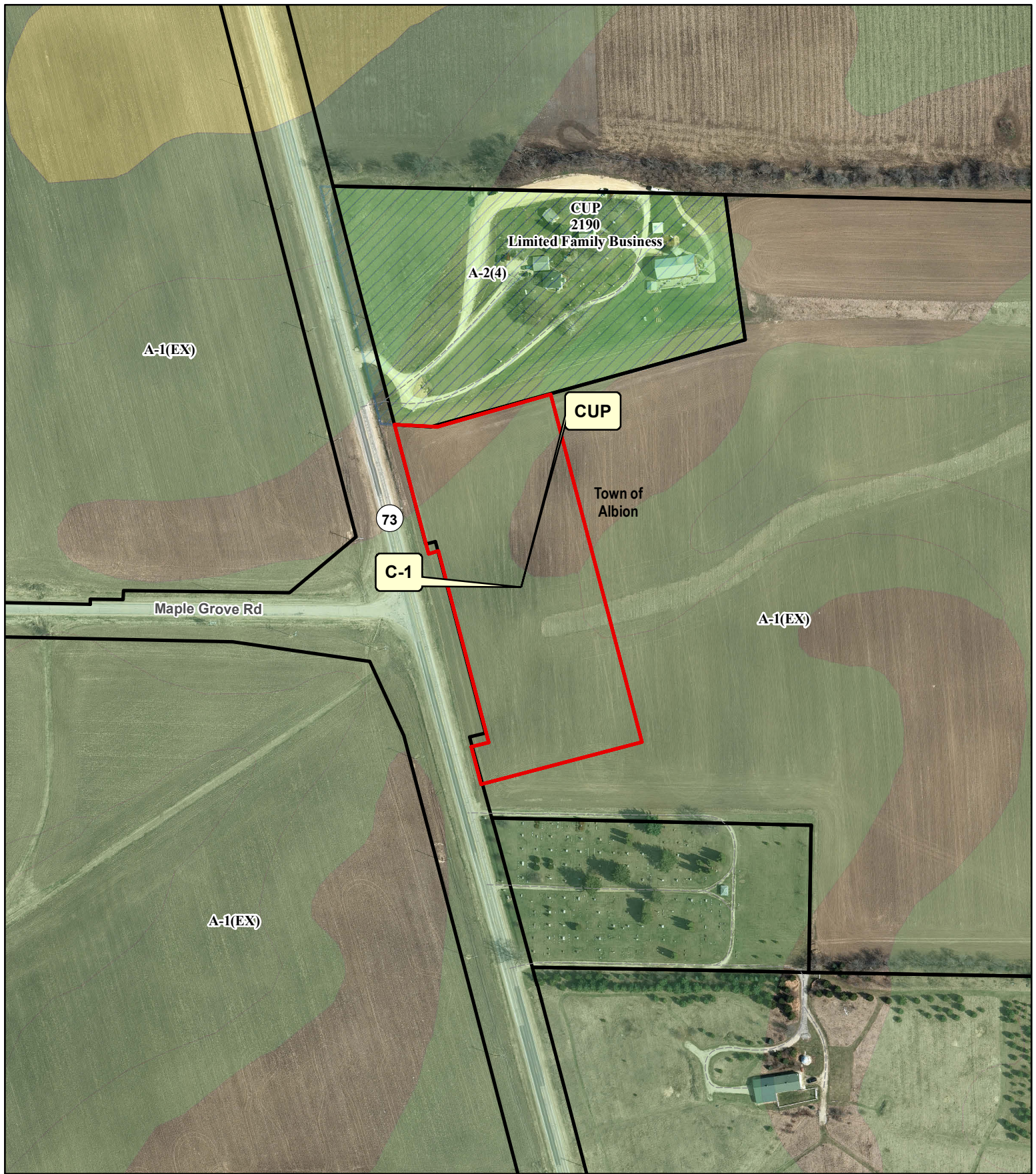
Outdoor activities: At this time, we do not plan on having much outdoor activity. Periodically you may find someone trying one of our wines or beers on a patio set outside.

Otherwise, there will be 800 square feet of a tasting room in each building. The Beer side will have 800 square foot and the Wine side will have 800 square foot.

Outdoor lighting: There will be sufficient lighting for safe foot travel along with parking lot. With only being open until 9:00 pm, the businesses will be closing before dark for most of the summer. Parking lot lighting will not bother anyone because you will not be able to see the proposed site without looking through a line of trees or across a field.

Outside Loud Speakers: There will be ZERO amplified music. We may have a loud speaker to page someone if needed in emergency.

Proposed Signs: At this time, we don't anticipate having any



Legend

Significant Soils

Class

Class 1

Class 2

Floodplain

Wetland



0 85 170 340 Feet



Petition 11261 /CUP 2412
HRK LLC