

## TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02659 Dane County ZLR Committee Public Hearing Tuesday, April 22, 2025

Whereas, the Town Board of the Town of Dunn having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): ☒ **APPROVED**

☐ **DENIED (If DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

**PLANNING COMMISSION VOTE:** 7 **In Favor** 0 **Opposed**

**TOWN BOARD VOTE:** 7 **In Favor** 0 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (a), if applicable, are found to be (check one):

☒ **SATISFIED**

☐ **NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)**

### **THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):**

1. The Conditional Use Permit shall only be valid for a parcel of land located in Section 34 and Section 35 of the Town of Dunn, T06N, T10E, Dane County, Wisconsin, as described as followed: Commencing at the Southeast corner of Section 34, thence West along the southern corner of Section 34, thence West along the southern boundary of Section 34, 450 feet; thence North, 900 feet; thence East, 800 feet; thence South 900 feet; thence West along the southern boundary of Section 35, 350 feet to the point of beginning until December 31, 2025, and shall become void prior if concrete operations are concluded by Michels Road & Stone LLC, if the property is sold by Wingra Real Estate LLC, or if the following conditions are not followed:
2. General hours are 6:00 AM to 7:00 PM Monday through Saturday.
3. The maximum number of trucks per hour at any given time shall be 25.
4. The route of truck traffic shall be limited to Rutland Dunn Townline Road and Lake Kegonsa Road in order to access Highway 51 or State Road 138.
5. Trucks may not be parked or stored within the road right-of-way.
6. All outdoor lighting for the concrete operations shall be directed downward and away from adjacent properties and public rights-of-way, and no light shall spill over neighboring property lines.
7. Water trucks shall be used, as necessary, to limit dust formation from stockpiles and access roads.
8. All trucks and equipment shall only use white or grey noise backup alarms.
9. Noise from the CUP operation shall be limited to 70 dBA measured at the property line.
10. Wingra Real Estate LLC or Michels Road & Stone LLC must provide appropriate dumpsters for proper waste disposal.
11. Wingra Real Estate LLC or Michels Road & Stone LLC must provide sanitary facilities per OSHA standards.
12. All requirements and conditions of Wingra Real Estate LLC's and Michels Road & Stone LLC WPDES permit(s) must be complied with.
13. Upon the expiration of the CUP permit or cessation of concrete operations, Wingra Real Estate LLC or Michels Road & Stone LLC shall restore the site to its pre-concrete operation condition, by removing all concrete batch plant equipment, materials, and structures.
14. Where applicable and as necessary, the site, shall be re-graded and free of debris or contamination.
15. Wingra Real Estate LLC or Michels Road & Stone LLC shall notify the Town of Dunn in writing a minimum of two weeks prior to starting concrete operations for the 2025 Highway 51 DOT projects. Both the Town Highway Department and Wisconsin Department of Transportation (DOT) shall subsequently inspect and document the road conditions of the truck routes before the start of the CUP activities.
16. Wingra Real Estate LLC or Michels Road & Stone LLC shall notify the Town of Dunn in writing within two weeks of completion of the 2025 Highway 51 DOT projects. Both the Town Highway Department and Wisconsin Department of Transportation (DOT) shall subsequently inspect and document the road conditions of the truck routes.
17. Any road damage(s) resulting from the CUP activities must be promptly repaired by Wingra Real Estate LLC or Michels Road & Stone LLC.
  - a. If the damage is hazardous, repairs should be made immediately.
  - b. For minor damages, repairs must be completed within four weeks of the completion of the 2025 Highway 51 DOT projects.
18. Michels Road & Stone LLC shall provide emergency contact information to the Town and neighbors within 300 feet of the parcel and shall respond within 30 minutes to calls from these neighbors regarding CUP violations..

**PLEASE NOTE:** The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Cathy Hasslinger, as Town Clerk of the Town of Dunn, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, April 14, 2025

**Town Clerk** Cathy Hasslinger **Date** Wednesday, April 16, 2025

## **FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS**

**If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :**

*“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”*

**PLEASE INDICATE THE APPROPRIATE FINDING  
FOR EACH STANDARD (CHECK ONE / STANDARD)**

- |   |   |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.   | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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.   | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.   | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.   | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans.   | 7. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220 (1).  | 8. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

**THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:**