

TOWN BOARD ACTION REPORT - CONDITIONAL USE PERMIT

Regarding Petition # 2552 Dane County ZLR Committee Public Hearing 1/25/22

Whereas, the Town Board of the Town of Mazomanie 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:** 1 In Favor 3 Opposed

**TOWN BOARD VOTE:** 1 In Favor 4 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 10.222 (3) (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):**

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**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.

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I, Carney Beuthin, as Town Clerk of the Town of Mazomanie, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Jan 10, 2022.

Town Clerk Carney Beuthin Date Jan 10, 2022.

# 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."*

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.
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.
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. 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.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
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).

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

1.  SATISFIED /  NOT SATISFIED

2.  SATISFIED /  NOT SATISFIED

3.  SATISFIED /  NOT SATISFIED

4.  SATISFIED /  NOT SATISFIED

5.  SATISFIED /  NOT SATISFIED

6.  SATISFIED /  NOT SATISFIED

7.  SATISFIED /  NOT SATISFIED

8.  SATISFIED /  NOT SATISFIED

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

see attached page

1. The Town Board found Standard 1 was not satisfied for the following reasons:
  - a. The proposed use will treat patients who suffer from substance abuse disorder on a long term residential basis but without access to motor vehicles. Based on the applicant's response to questions, there is a likely of incidents of relapse, purchase and possession of illicit substances, overdose, and behavioral disturbances. The area lacks sufficient medical and law enforcement resources to respond to such occurrences, which will endanger the public and patients. The Town does not have its own police force and relies on the County Sheriff for law enforcement coverage. The nearest villages (Mazomanie and Black Earth) similarly do not possess their own police force and contract with the Sheriff's Department for coverage. There are no medical facilities proposed on site. There are inadequate medical facilities in the area to treat substance incidents or overdoses. The nearest hospital is 21 miles away and 36 minutes from the proposed location.
  - b. The proposed use is located near a liquor establishment, making patients susceptible to relapse and walking to the establishment on a busy and unlit highway.
  - c. The area lacks amenities for long term communal housing. There are limited recreational areas, no pedestrian sidewalks, and no retail or entertainment venues located in the vicinity for the patients comfort and welfare. These issues endanger the comfort and welfare of the public and patients.
  - d. The proposed use is located on a busy highway at a dangerous intersection, endangering residential patients seeking pedestrian exercise.

2. The Town Board found Standard 7 was not satisfied for the following reasons:

Section 9 of the Town of Mazomanie Comprehensive Plan calls for the following:

"Commercial development is a very limited use in the Town. Future commercial uses are planned to include only small-scale, incidental uses that are compatible with the existing rural character of the Town. Commercial uses of any significance should be located in the Village of Mazomanie's Urban Service Area and be served by public sewer and water."

The proposed use as residential treatment facility requires a high degree of resources and infrastructure to support it which is not available at the proposed location. It is not an incidental use compatible with the rural character of the Town. The Town Comprehensive Plan requires such development to occur with the Village urban service area.