TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition #_2339_ Dane County ZLR Committee Public Hearing _May 10, 2016_

Whereas, the Town Board of the **Town of** _Burke_ 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: _6_ In Favor _0_ Opposed

TOWN BOARD VOTE: _4_ In Favor _1_ Opposed

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(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):

All conditions from CUP #2016 with revisions to #6 - from 150 to 175 children and to #9 - allow an additional 1200 square feet expansion

(See attached resolution)

RECEIVED

APR 27 2016

DANE COUNTY PLANNING & DEVELOPMENT

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, _Brenda Ayers_, as Town Clerk of the Town of _Burke_, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on _April 19_, 20 _16_.

_____ _April 25_, 20 _16_.
Town Clerk   Date

TOWN OF BURKE
RESOLUTION NO. 04192016

RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE CONDITIONALLY APPROVING THE CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY SARA HAGEN OF COUNTRY CREEK LEARNING CENTER

WHEREAS, an application for Conditional Use Permit (CUP) #2339 to amend current CUP #2016 to increase the limit of children from 150 to 175 and allow a 1,200 square foot expansion of the building for the purpose of additional space for a 4K classroom and afterschool program located at 6187 Portage Rd, DeForest (parcel number 0810-033-8170-0) has been submitted to the Town for review and action; and

WHEREAS, the Plan Commission has reviewed the petition and recommended conditional approval of the CUP; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation;

NOW, THEREFORE, the Town Board hereby approves the CUP subject to the following condition:

Other than the changes to the number of children and the expansion, the conditions of CUP #2016 remain in effect.

The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on April 19 , 2016.

APPROVED:

By _____
Kevin Viney, Town Chair

ATTEST:
_____
Brenda Ayers, Town Clerk/Treasurer

DANE COUNTY
CONDITIONAL USE PERMIT #2016

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD
PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF
ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2016 to allow for the <u>expansion of
an existing day care center</u> subject to any conditions contained
herein.

EFFECTIVE DATE OF PERMIT: <u>June 27, 2006</u>

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS
FOLLOWS:
> Part of the NE 1/4 SW 1/4 of Section 3, Town of Burke
> described as follows: Lot #2, CSM #9789 as found in Volume
> 56 Page 287 Certified Survey Maps, Dane County, Wisconsin
> Register of Deeds Office.

CONDITIONS:
1) Construction of WisDOT Type C intersection.
2) Revised site plan.
3) Manure storage plan.
4) Children from 2 - 6 years old.
5) Children 5-12 during summer.
※ 6) Limit of 150 children at any one time at the school. — **175**
7) Staff of 25.
8) Small animals, ducks, goats, rabbits, no more than the
   zoning for the RH-2 allows.
※ 9) 4400 square foot for first building with 4700 square foot
   expansion in the future. — *an additional* **1200** *square feet*
10) 38 parking stalls.
11) 1250 square foot barn.
12) 1800 square foot for animal pens.
13) Regular hours of operation be between 6:30 a.m. and 6:00
    p.m., Monday through Friday.
14) That the dumpster be completely fenced from view.
15) That all lighting be shrouded, facing down.
16) Verification of the adequacy of the existing system or
    obtaining a sanitary permit to make any necessary
    improvements to the system.
17) The applicant must execute and record with the Register of
    Deeds an avigation easement as required by the Dane County
    Regional Airport within ninety (90) days of the date of
    approval by Dane County. A copy of the recorded easement
    must be supplied to Dane County Zoning by the applicant
    within ten (10) days of recording the easement.

THE ZONING AND NATURAL RESOURCES COMMITTEE AFTER PUBLIC HEARING
AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE
FOLLOWING FINDING OF FACT:

1. That the establishment, maintenance and operation of the
    proposed conditional use will not be detrimental to or
    endanger the public health, safety, morals comfort or
    general welfare.

2. That the uses, values and enjoyment of other property in the
    neighborhood for purposes already permitted will not be
    substantially impaired or diminished by the establishment,
    maintenance and operation of the proposed conditional use.

3. That the establishment of the proposed 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 will be made.

5. That adequate measures will be taken to provide ingress and
    egress so designed as to minimize traffic congestion in the
    public streets.

6. That the proposed conditional use does conform to all
    applicable regulations of the district in which it is
    proposed to be located.

EXPIRATION OF PERMIT

In addition to any time limit established as a condition in
granting this CUP, Section 10.25(2)(n) of the Dane County Code of
Ordinances provides that any use for which a conditional use
permit has been issued, upon its cessation or abandonment for a
period of one year, will be deemed to have been terminated and
any future use shall be in conformity with the ordinance.