

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # DCPCUP-2019-02491 Dane County ZLR Committee Public Hearing Tuesday, February 25, 2020

Whereas, the Town Board of the **Town of** Springdale 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: 3 **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 10.222 (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):

Please See Attached

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, Susan Duerst Severson, as Town Clerk of the Town of Springdale, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, February 11, 2020

Town Clerk Susan Duerst Severson **Date** Wednesday, February 19, 2020

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 type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED
N/A |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Minutes Excerpt
Springdale Town Board Meeting Tuesday, February 11, 2020, 7 PM
Town Hall at 2379 Town Hall Road, Mt. Horeb, WI

Conditional Use Permit, CUP Dane Co. 2491 limited family business - Hardscapes landscaping, Josh Zimmer, CTH G Sec. 34,

Discussion: Town Board went over every condition recommended by the Plan Commission and Dane County item by item with Zimmer. The results are documented in the motion. **TB read and then voted on whether the Eight Standards of Conditional Use and found Zimmer's planned use to satisfy all with the exception on #8 which did not apply.**

MOTION Rosenbaum/Fagan to approve Dane Co. CUP 2491 with the following conditions:

1. Type of Activity: Hardscapes LLC is a small landscape construction company with zero employees and no plans for expansion beyond the definition of a limited family business. It is the intent of the Zimmer's to retain their residential property looking like a farmette.
2. The hours of operation shall be from **7 a.m. until 7 p.m.**, Monday through Friday.
3. Number of employees shall not exceed the limited family business standard of no more than one or one full-time equivalent who is not a member of the family residing on the property.
4. No business shall be conducted on site; no sales, no services.
5. No outdoor storage of equipment or materials shall be permitted except for the outdoor parking of two pick-up trucks in the area designated on the site plan as the cattle yard. The equipment and material stored indoors includes two trailers and a skid loader and truck and equipment attachments.
6. The area of the residential lot to be used for the limited family business includes the cattle yard and southern-most shed as depicted on the site plan, dated 1/27/2020 and on file in the Springdale Town Hall.
7. Outside business activity shall be prohibited.
8. On site burning of materials and refuse associated with the business shall be prohibited.
9. Hauling debris and refuse associated with the business to the site shall be prohibited.
10. All lights shall comply with the Town of Springdale Dark Sky Lighting Ordinance and pertinent.
11. Signage and loudspeakers shall be prohibited.
12. Structures must not be used as commercial accessory buildings.
13. The limited family business conditional use permit shall automatically expire upon sale of the property or the business to an unrelated third party. Rezoning or relocation of the business may be necessary or become necessary if the business is expanded.
14. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan and operational plan.
15. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
16. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
17. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
18. Off-street parking must be provided, consistent with s. 10.102(8).
19. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

20. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

21. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

22. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

MOTION carried 3-0

Thanks Roger



Susan Duerst Severson, Town Clerk

Town of Springdale

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Mt. Horeb, WI 53572

608-437-6230

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