

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 02488 Dane County ZLR Committee Public Hearing Tuesday, November 26, 2019

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: 5 **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):

Vehicle repair or maintenance services and caretaker's residence. The existing deed restriction with the rezoning details the deed restrictions and conditions in Dane County zoning #11056. No changes to that document.

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 Monday, September 23, 2019

Town Clerk Susan Duerst Severson **Date** Monday, November 4, 2019

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 |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

DEED RESTRICTIONS

PETITION NO. 11056

Use black ink & print legibly

WHEREAS,

is owner of the following described real estate in the Town of Springdale, Dane County, Wisconsin further described as follows:

Recording area

Name and return address:

Parent Parcel Number(s):
060712193507

LEGAL DESCRIPTION:

Lot 1 of Certified Survey Map No. 01171, located in the Southwest ¼ of the Northeast ¼ of Section 12, Town 6 North, Range 7 East, Town of Springdale, Dane County, Wisconsin.

WHEREAS, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, the restrictions provided herein completely rescind and replace previous land use restrictions recorded pursuant to approval of Dane County zoning ordinance amendment #4693 under document #2283302, found in volume 16535, pages 39-41.

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

- The County Government of Dane County, Wisconsin provided that the land is under the jurisdiction of said County at the time the enforcement action is commenced, and;
- The Town Government of the Town of Springdale, Dane County, provided that the land is within the jurisdiction of said Town at the time the enforcement is commenced, and;
- The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed:

1. The business shall be limited to an automotive repair shop with up to 20 vehicles on site (including personal vehicles and loaner vehicles for customers).
2. The sale of vehicles shall be prohibited.
3. The proposed building, parking, landscaping, etc. shall conform to the submitted "Turn Two Auto Repair Site Plan" dated 11/02/2015.
4. Retail sales shall be prohibited except for incidental sales to automotive repair customers.
5. The hours of operation shall be 8 a.m. to 5:30 p.m., Monday - Saturday.
6. The number of employees shall be limited to six employees, not including the owner.
7. Outside storage of materials and vehicles is prohibited except for vehicles listed in #1 above.
8. Sustained outdoor activities are prohibited.
9. All new lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance.
10. Outdoor speakers are prohibited.
11. Signage shall be limited to an area approximately 2 x 14 along the face of the rock wall where individual letters will be mounted.
12. Two dumpsters for the proper disposal of recyclables and trash shall be placed between the existing building and the proposed parking area.
13. The existing residence on the property shall remain for single-family dwelling use for a watchman or caretaker.

The restrictions set forth herein may be amended or terminated in the following manner:

1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

2. Upon approval of the petition calling for an amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

_____ Date

_____ Date

_____ Signature of Grantor (owner)

_____ Signature of Grantor (owner)

_____ *Name printed

_____ *Name printed

This document was drafted by:
(print or type name below)

Dane County Planning & Development

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person
authorized to administer an oath _____
(as per s. 706.06, 706.07)

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001

Print or type name: _____

Title _____ Date commission expires: _____