TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # CUP-2019-02458 Dane County ZLR Committee Public Hearing Tuesday, March 26, 2019

Whereas, the Town Board of the **Town of** Oregon 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: 5 **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 10.255(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):

Land Rezone and CUP Request. Petition #DCPREZ-2018-11344 & DCPCUP-2019-02458. Parcel # 0509-172-8000-9 & 0509-172-8500-4; 5995 County Highway D, Oregon, WI 53575. The request is to rezone 5.115 acres from A-1Ex to LC-1. The CUP request is to allow storage of more than 12 total vehicles and pieces of construction equipment and outdoor storage for a landscape business. Owner is Greenscapes LLC, 2960 Triverton Pike Dr., Fitchburg, WI 53711. Applicant is Jake Fleming.

CUP Request
1.Outdoor storage of equipment of up to and not to exceed 12 total vehicles and pieces of construction equipment overnight. All equipment must be stored behind the buildings overnight.
2.Outdoor storage of landscaping materials only and must be stored in bins. Mulch will be stored behind the building so as to screen from view from the road. The decorative stone will be stored in bins. Debris pile must be located behind a building so as to screen it from view of the road and not exceed 60 cubic yards. No outdoor storage of tires, parts, chemicals, salt, etc., at any time.
3.Indoor storage of more than 12 total vehicles and pieces of construction equipment.

Other Conditions
1.All lighting must be directed downward.
2.No parking of vehicles in along the road or in road right of way. Must provide adequate parking spots for 55 employees as well as retail customers. All vehicles will be parked in an orderly fashion.
3.Number of employees will be up to 55 year around.
4.Hours of operation for the office will be 7:00 a.m. to 6:00 p.m. on weekdays as well as Saturday. No business hours on Sunday. Landscaping hours will be 6:30 a.m. to 7:00 p.m. on weekdays with no landscaping hours on Saturday or Sunday. Winter snow removal hours will be as needed depending on the weather.
5.Allow one freestanding on-premise sign that may not lighted and must meet county sign requirements. Also allow an existing wall sign on the barn to stay in place.
6.Provide screening of pine trees (e.g. arbor vitae) to hide parked vehicles from County Road D. Trees must be off the road right of way and must provide a continuous screen.
7.No burning of materials or debris brought onto site for disposal. Chipping of wood materials will be allowed.
8.House will be used as a commercial office building and will require fire and safety inspections. All other buildings located on LC-1 site will also require fire and safety inspections.
9.Repair/Maintenance of lawn and garden equipment must be indoors.
10.No loud speakers allowed.
11.Fueling area/storage must include appropriate spill containment per state requirements.
12.Storage of any chemicals or other hazardous materials used in the landscaping operation must be done inside one of the buildings and in accordance with applicable state requirements.
13.No materials or debris can be brought to the Town of Oregon Recycling Center (TORC) for disposal.
14.CUP would run with the property.

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, Denise Arnold, as Town Clerk of the Town of Oregon, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, March 5, 2019

Denise Arnold
Town Clerk

Wednesday, March 20, 2019
Date

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 section 10.255(2)(b):

> *"No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards 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. ☑ SATISFIED / ☐ 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. ☑ SATISFIED / ☐ 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. ☑ SATISFIED / ☐ NOT SATISFIED**
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.	**4. ☑ SATISFIED / ☐ 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. ☑ SATISFIED / ☐ NOT SATISFIED**
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.	**6. ☑ SATISFIED / ☐ NOT SATISFIED**

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS: