TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2472 Dane County ZLR Committee Public Hearing Tuesday, June 25, 2019

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: 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 10.255(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):

1)Any conditions required for specific uses listed under s.10.103 of County Ordinances;
2)The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;
3)New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;
4)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 county zoning administrator upon request;
5)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 with be provided to the county zoning administrator upon request;
6)Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46 Dane County Code;
7)All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;
8)Off-street parking must be provided, consistent with s. 10.102(8) of County Ordinances;
9)If 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;
10)The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;
11)The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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;
12)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;
13)Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation;
14)Obtain approval from the FAA and compliance with any requirements thereof.

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 Wednesday, July 17, 2019

Brenda Ayers
Town Clerk

Thursday, July 18, 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: