
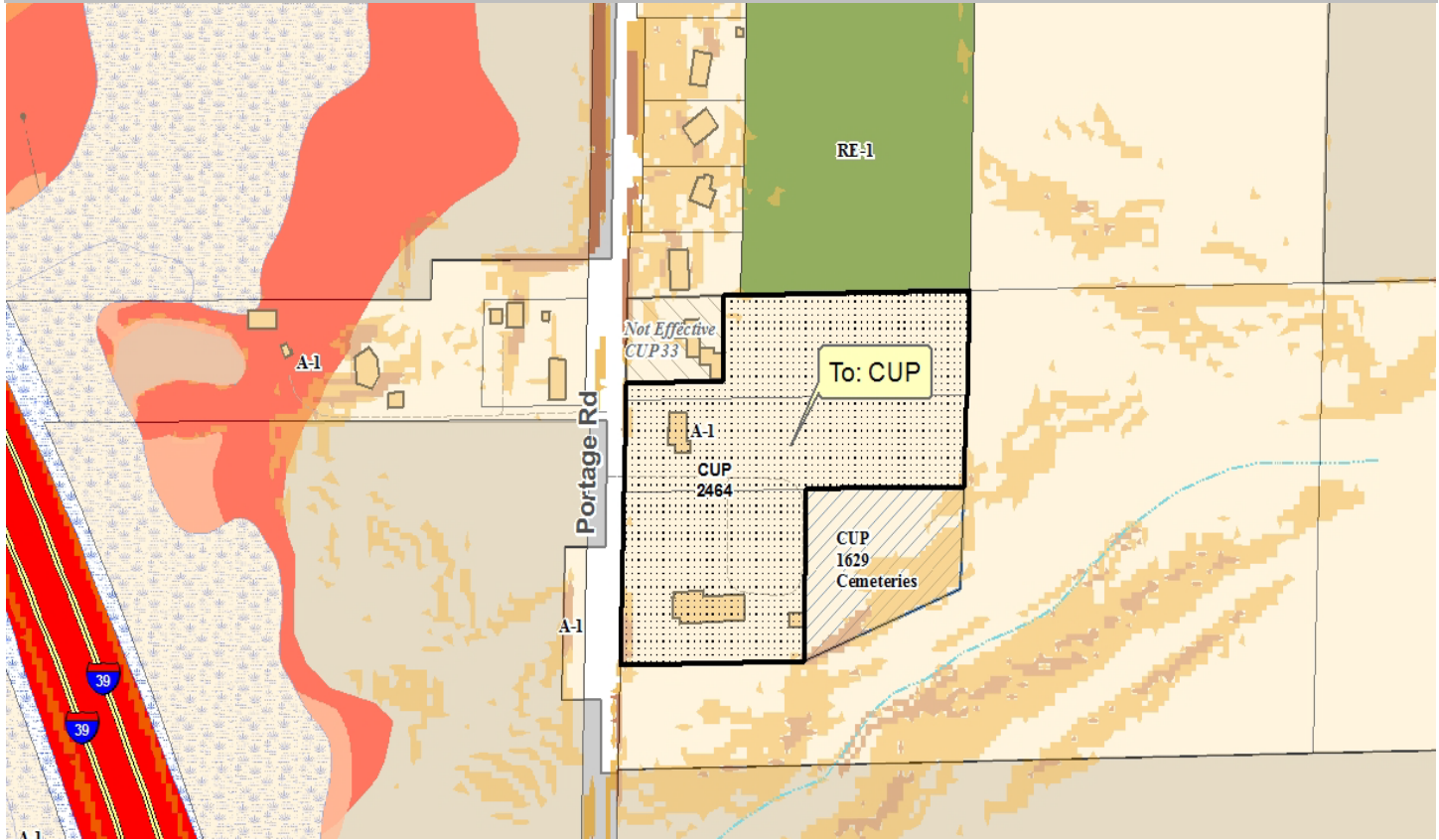


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> April 30, 2019		CUP 02464
	<i>Zoning Amendment Requested:</i> TO CUP: RELIGIOUS USES		<i>Town/Section:</i> BURKE, Section 15
	<i>Size:</i> 7.9 Acres	<i>Survey Required.</i>	<i>Applicant</i> BURKE LUTHERAN CHURCH
	<i>Reason for the request:</i> RELIGIOUS USES		<i>Address:</i> 5720 PORTAGE ROAD



DESCRIPTION: This proposal is for moving the existing church building to a different portion of the property, constructing a new addition to the building, and building a new parking lot. Currently the majority of parishioners park along Portage Road which is a less than ideal situation as parking requires cars to pull into the street. In addition to the building addition and new paved parking lot and access lanes, site improvements include construction of a bio-retention basin for storm water generated by the additional impervious surfaces. The conditional use permit (CUP) is to allow the continuation of the cemetery.

OBSERVATIONS: The surrounding property is a mixture of undeveloped land owned by the church (to the east) and American Family Insurance (to the north) plus low density residential uses.

TOWN PLAN: The subject property is in the single family residential, natural area, and institutional/government districts of the town of Burke Comprehensive Plan. Because there is no change of use, the proposal can be considered consistent with this plan and the Cooperative Plan with surrounding municipalities.

RESOURCE PROTECTION: The property is not in an environmental corridor.

April 30th ZLR Meeting: The Committee postponed the petition due to no town action.

TOWN: The Town Board has approved the conditional use permit with the standard conditions with one additional condition pertaining to lighting.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

STAFF:

Staff has prepared a list of conditions that may be used in order to meet the standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing. In addition to those specific to this proposal, the following conditions are required for all conditional use permits:

Standard conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit:

1. Any conditions required for specific uses listed under s. 10.103.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the 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 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 will be provided to the 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).
9. 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. 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.
11. 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.
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 a reasonable opportunity to correct any violations prior to revocation.

Conditions specific for CUP# 2462:

1. Outdoor lighting shall be limited to the entrances of the church, and directed in such a way to stop light from reaching the neighboring residence.