

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2310 Dane County ZLR Committee Public Hearing Tuesday, May 26, 2015

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: 3 **In Favor** 3 **Opposed**

TOWN BOARD VOTE: 2 **In Favor** 1 **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):

The 16 conditions for the CUP shall be emailed as a separate document to Dane County Zoning Inspector Roger Lane today, 7/21/2015 since my computer will not let me cut and paste accurately into this report.

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.

The Springdale Plan Commission had a tie vote on the CUP. The Springdale Town Board had a 2-1 vote on the CUP. A concern mentioned in the Plan Commission and Town Board vote was the various interpretations of the DCCO 10.192 (3) calculation of employees - one or one full-time equivalent. In addition there was a question of interpretation re: whether the limited family business had to be conducted in the accessory building rather than off-site work by a landscaping business or pest control business. The minority voter requests that this action report specifically include the current tally of employees and the number of hours on-site in the accessory building as part of the documentation for the CUP.

I, Vicki Anderson, 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, July 20, 2015

Vicki Anderson
Town Clerk

Tuesday, July 21, 2015
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. <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 |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

EXCERPT OF TOWN OF SPRINGDALE MINUTES PERTAINING TO NEERLAND CUP

MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, JULY 20, 2015

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Jeff Smith, and Supervisor II Richard Schwenn (A quorum is present.) Clerk Vicki Anderson.

CALL TO ORDER: by Chair Eloranta, 7 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 7/16/15 the agenda was posted in the three customary locations in the Town of Springdale as required by law and, as a courtesy to the residents, the agenda was published in the *Mt. Horeb Mail* on 7/16/15. Significant notice requirements were met for the public hearing re: proposed road discontinuances.

BACKGROUND INFORMATION RE: NUMBER OF EMPLOYEE HOURS ON SITE. PLEASE INCLUDE WITH THE TOWN ACTION REPORT:

*At the 7/20/2015 TB meeting Bob Neerland stated that the previous calculation prepared by the Town Clerk regarding the number of hours spent by employees not living on the premises, 48 hours/week, was too high. The correct calculation is the following based on actual observations on site.

Breanna – up top 1 hr./2 times a week	2 hrs.
Ryan – Mondays, 3 hrs.	3 hrs.
Meg – office work on site – 17 hrs./week	17 hrs.
Nick – 20-30 min./day x 5	2.5-3 hrs.
Chris – 20-30 min./day x 5	2.5-3 hrs.
Jake- 20-30 min./day x 5	2.5-3 hrs.
<u>Bruce- 20-30 min./day x 5</u>	<u>2.5-3 hrs.</u>
Total employee hours on site for employees who do not live on site	34 hrs.

CONDITIONS FOR THE TOWN ACTION REPORT:

MOTION by Eloranta/Schwenn to approve the CUP #2310 with the following conditions.

1. The limited family business shall be limited to the pest control business.
2. The on-site business operation shall be restricted to the accessory building, building permit dated 01/15/13. Additions to the existing building and/or construction of another building for business purposes shall not be permitted. The Town shall be notified of any additional building of residential accessory building(s) for residential purposes, not business purposes.
3. The hours of operation shall be Monday through Friday, from 7 a.m. to 6 p.m.
4. All employees except one or one full-time equivalent, shall be a member of the family residing on the property. The number of hours for family members not residing on the property and for non-family members to work on site shall be limited to 40 hours/week.
5. The vehicles used in the business shall be limited to seven vehicles and the number of one-person trips per day for the business is limited to twenty, one-person trips in and out of the CTH G site.
6. No customers shall visit the site. No retail sales shall be conducted on the property. The on-site business shall not be opened to the public.
7. No business activities shall be conducted outside of the accessory building.
8. Outside loudspeakers are prohibited.
9. Outside signs are prohibited.
10. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.
11. All chemicals for the pest control business shall be properly disposed of off-site and in accordance with all pertinent county, state, federal, and industry regulations.
12. Servicing of personal and business vehicles shall be permitted on site with the proper disposal of vehicle fluids in accordance with all pertinent county, state, and federal regulations. The servicing of vehicles for hire on site shall be prohibited.
13. The conditional use permit shall automatically expire on sale of the property or business to an unrelated third party.
14. The building permit issued by the Town of Springdale, dated 01/15/13, shall be corrected to accurately reflect the elements of the accessory building as it is used.
15. State, county and local approval of the accessory building shall be in compliance with all applicable codes and ordinances.
16. This CUP shall be reviewed by the Town of Springdale Plan Commission and Town Board and Building Inspector in two years from 06/22/2015, 6/2017, to confirm its compliance with the conditions of the CUP and for consistency with the current goals of the Town of Springdale Land Use Plan. Motion to approve carried 2 in support and 1 in opposition.

Respectfully submitted, Vicki Anderson, Town Clerk