

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2629 Dane County ZLR Committee Public Hearing Tuesday, August 27, 2024

Whereas, the Town Board of the **Town of** Verona 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: 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 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (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):

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, Teresa Withee, as Town Clerk of the Town of Verona, County of Dane,
hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, November 12, 2024

Town Clerk Teresa Withee **Date** Wednesday, December 4, 2024

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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 type="checkbox"/> SATISFIED / <input checked="" 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 checked="" type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Motion that the Town Board deny the CUP application 2024-02 from Southwest Investments to conduct nonmetallic mining operations on the property located at 7228 Pine Row and find that the applicant has not provided sufficient evidence to demonstrate that the proposed operation will satisfy the following approval criteria of the Dane County Zoning Code:

As to Criteria 1: "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare" The applicant has not provided any reliable information as to the level of truck traffic that would be generated or its impact on traffic movements in the area. A Traffic Impact analysis was not provided.

As to Criteria 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" The applicant is unwilling to provide a sufficient stormwater management plan to demonstrate that runoff caused by the operations will not adversely affect adjacent properties, the applicant has not provided a sufficient groundwater management plan and the applicant has provided no plan to address noise level violations that may occur at the site. The dust control plan is insufficient.

As to Criteria 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. The applicant has not provided a Reclamation Plan nor information on any potential impact to neighboring property owned by Dane County.

As to Criteria 4: "That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made," Stormwater management has not been adequately addressed, neither a wetland delineation nor floodplain determination has been provided.

As to Criteria 5: "Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets," The applicant has not agreed to the Town's proposed conditions regarding road improvements and has not submitted requested information regarding WisDOT's input on the sufficiency of the Town's road improvement recommendations. A Traffic Impact Analysis has not been provided.

As to Criteria 7: "That the conditional use is consistent with the adopted town and county comprehensive plans." From the TOV Comprehensive Plan Chapter 9: Land Use page 75. Policies 1. The Town may allow the opening or expansion of approved sites, or the establishment of new sites with a plan amendment, provided the following criteria are met: An approved Comprehensive Plan amendment would be needed to approve this application.

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