
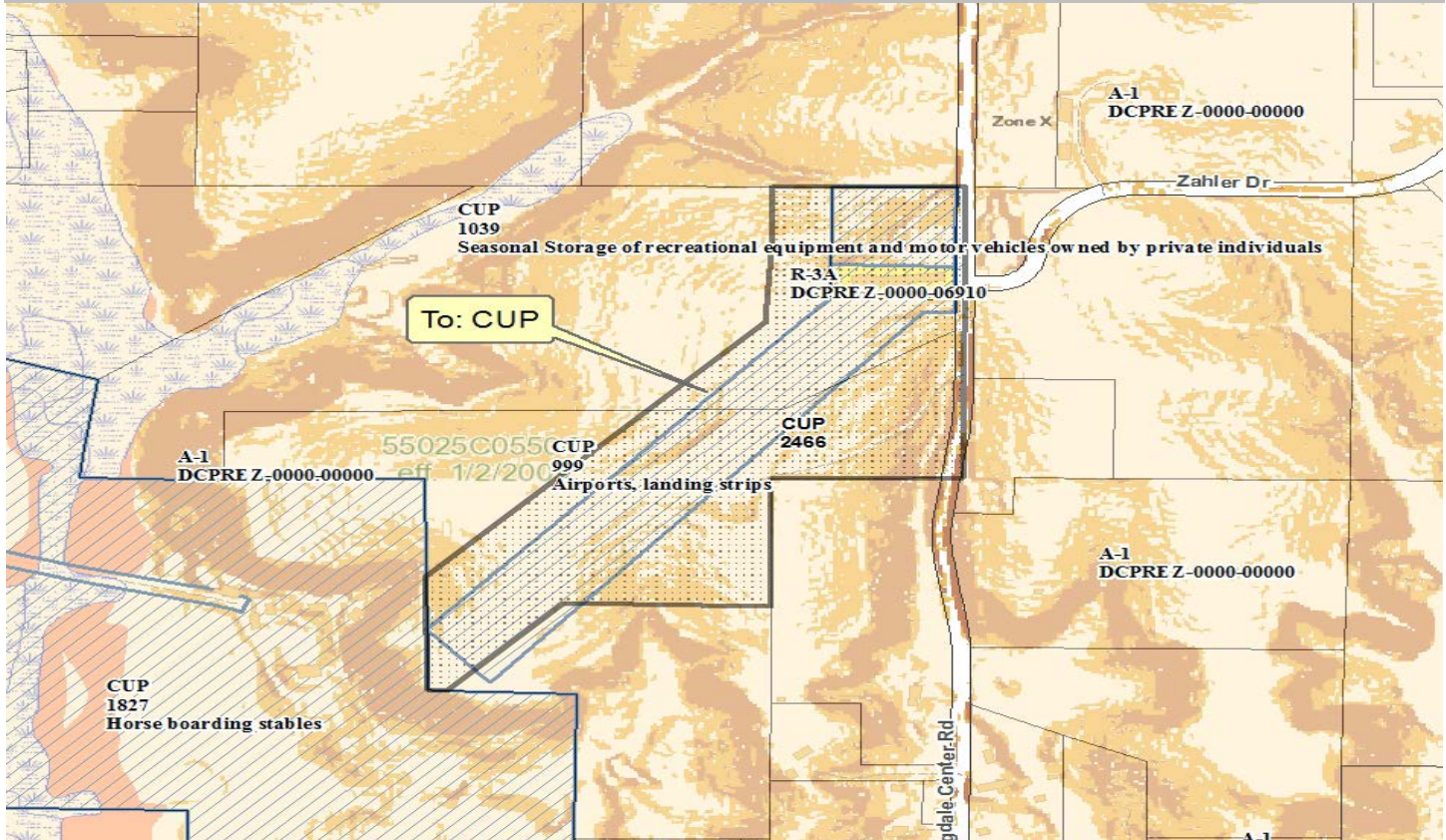


Staff Report  Zoning and Land Regulation Committee Questions? Contact: Roger Lane – 266-9078	<u>Public Hearing:</u> May 28, 2019	CUP 02466	
	<u>Conditional Use Permit:</u> Airports, landing strips or landing fields together with accessory buildings	<u>Town/Section:</u> SPRINGDALE, Section 28	
	<u>Size:</u> 43 Acres	<u>Survey Required.</u>	<u>Applicant</u> WILLIAM K GARFOOT
	<u>Reason for the request:</u> allow several landowners to use an existing private air strip		<u>Address:</u> 2161 SPRINGDALE CENTER ROAD



CONDITIONAL USE PERMIT REQUEST SUMMARY: The applicant would like to update an existing conditional use permit (CUP #999) in order for future landowners to have the ability to use an existing landing strip (Heckler’s airstrip). The proposal is to create up to six (6) additional residential lots around the airport to have a total of 8 landowners having access to the landing strip. The private airstrip will be used exclusively by homeowners for recreational purposes. The applicant intends to limit the use of the airstrip by setting an activity limit of no more than 10 operations per day (one operation is one landing or one take off). The applicant is suggest further limits including only permitting single engine aircraft and prohibiting commercial/business activities. The landing strip has been in operation since 1993.

CONDITIONAL USE PERMIT PROCESS: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of conditional use permits.

In order to obtain a Conditional Use Permit, an applicant must provide **substantial evidence** to demonstrate that the application, and all requirements and conditions established by the county relating to the conditional use, are or shall be satisfied. Substantial evidence means, *“facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”*

Prior to granting or denying a conditional use, the zoning committee shall make findings of based on evidence presented and issue a determination whether the proposed conditional use meets all of the following standards:

- a. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- b. 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.
- c. 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.
- d. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
- e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- f. The conditional use shall conform to all applicable regulations of the district in which it is located.

The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable, measurable.

RELEVANT FACTS & INFORMATION

Location, size, existing use and characteristics of subject property: The landing strip is located approximately 1.5 miles north of the Hamlet of Mount Vernon. The landing strip follows a ridge line along the top of one of the hills in the area's rolling topography. There is a single grass runway that is approximately 2100 feet in length. The runway is not visible from the road.

Current zoning and applicable district regulations: The current zoning of the property is A-1 Agriculture. The district is intended for single-family residences and agricultural production; however the district lists host of other land uses such as mineral extraction, dumping grounds, airports, kennels, horse stables, and salvage centers as conditional uses. A conditional use permit (CUP #999) was obtained in 1992 for an airport on the property. The review process was very controversial. The community residences felt that the airport could turn into a highly active commercial operation. The conditional use permit was approved with limitations on the types of aircraft and the frequency of use.

Surrounding land uses / neighborhood: Surrounding land uses include agriculture/open space and scattered rural residences. There are 9 homes within a 1000-foot radius of the airstrip and a total of 14 homes within 2000 feet. There is a horse boarding facility (CUP #1827) located approximately 400 feet from the southern end of the runway.

Utilities, access, drainage, and other necessary site improvements: The landing strip is existing and has been approved by the Bureau of Aeronautics. The landing area will not be expanded. No additional improvements will be needed for the grass landing strip. The applicant will not be installing night illumination.

STAFF ANALYSIS:

Airports have the potential of causing nuisances depending upon the size and scale of the operation. The primary concerns regarding airports would be the activity, the types of aircraft using the facility, and aesthetic quality of the buildings to support the activities. Staff believe that these concerns could be address by conditions which would limit activity to an acceptable level for the area.

The first concern is the frequency of use. The applicant has suggested that the airport be limited to 10 operations per day (same as CUP #999) and the use limited exclusively to the landowners within the CUP boundaries. That would permit 5 airplanes the ability to take off and land. The applicant stated that night landing lights will no longer be part of the operation so that the activity will be limited to daytime only.

The second concern would be the types of aircraft using the facility. One of the most limiting factors is the physical characteristics of the landing strip. The grass landing strip is 2100 feet in length does not have the capability of being used by large aircraft. The applicant has suggested that the airport be limited to single engine aircraft and prohibiting the use of ultra-light aircraft. One concern is the use of helicopters. Staff suggests that the airport be limited to one operational helicopter within the CUP boundary.

The last concern is the aesthetic quality of the airport. The property is located in a rural residential area. Staff believe that large metal structures located in succession of one another would detract make the airport feel commercial in nature and detract from the rural character of the area. Staff is suggesting that a limitation be placed on hangar buildings to keep in the spirit of the neighborhood.

Factual information:

1. Heckler's Strip Airport has been approved from the Wisconsin Department of Transportation, Bureau of Aeronautics, for use as a private airport. The airport has been in operation since 1993.
2. The airstrip consists of one grass runway that is approximately 2100 feet in length.
3. Conditional use permit #999 was issued in 1992 in order to establish the airstrip in this location. Conditions were placed on the airstrip limiting operation due to neighboring concerns.

SUGGESTED CONDITIONS

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or conditions added to address potential nuisances or concerns that may come to light during the public hearing.

1. The airport shall remain being classified as a "private airport" under the Bureau of Aeronautics and shall only be used by persons residing within the CUP boundary.
2. Only single engine aircraft shall use the airstrip. Ultra-light type aircraft shall be prohibited.
3. There shall be no more than 10 operational aircraft stored within the CUP boundary. There shall be no more than one operational helicopter stored within the CUP boundary.
4. There shall be no more than 10 FAA defined aircraft operations per day in totally within the CUP boundary.
5. The airstrip shall operate under FAA's "Visual Flight Rules", night flying operations or lighting of the landing strip shall not be permitted.
6. Flight instruction or aircraft training shall be prohibited.
7. Commercial businesses, including the sales of fuel, shall be prohibited.
8. Crop dusting operations are not allowed to use the airstrip.
9. The landing strip shall remain a grass and 2100 feet in length.
10. Airplane hangars or portions of residential buildings housing aircraft shall not exceed 5000 square feet in area. Each property owner shall be limited to one area per property.
11. The airstrip must meet all current requirements of Chapter 114, Wisconsin Statutes, TRANS 57, Wisconsin Administrative Code, or its successor and any applicable standards from the Federal Aeronautics Administration.

TOWN: The Town Board has approved the CUP with 21 conditions:

1. The airstrip/airport shall be designated as a "Private Airstrip," Airport, and used for private purposes only. On the March, 2019 application for the CUP, the purpose statement by the applicant stated "The airport shall be used only by owners of the airstrip for private recreational purposes."
The conditions of CUP # 02466 shall apply to Hecklers' Airstrip, (Federal Aviation Administration Site 27406.87*A) and 4 residential lots in proximity to Heckler's Airstrip and each lots designated one pilot. The Town will be furnished with an updated list and any change to, of these 4 pilots names.
 - a.. The western most duplex unit, Bill Garfoot's duplex, 2161 Springdale Center Road, Verona, WI 53593, part of parcel number 0607-281-8000-9,the 1.47 acre part of CSM lot 2877 zoned R-3A for duplex;
 - b. The single-family residence Dennis Kartman's home at 2125 Springdale Center Road, Verona, WI 53593, part of parcel number 0607-281-8220-3;
 - c. Lot 1 or 2 of preliminary CSM Lot Fred Runde has an offer to purchase, parcel number to be determined after recordation of the CSM, part of parcel number 0607-281-8075-0;

d. Proposed single-family residence in a designated building envelope closest to the airstrip, as part of parcel number 0607-281-8220-3, Dennis Kartman's proposed building site.

(Note: The Town of Springdale shall provide the updated parcel/address information for the 4 residences involved in the CUP to Dane County Zoning in a timely fashion. The preliminary CSM lots have not been finalized at this time, 05/20/2019.)

2. No aircraft other than aircraft owned by 4 resident landowner pilots shall be permitted to use the Airport.
3. For the purposes of servicing resident landowners' aircraft, an individual who holds an Airframe and/or Powerplant (A&P) certificate which is issued by the FAA shall be allowed use of the Airport.
4. A maximum of 6 operational aircraft shall be stored within the CUP boundary, all aircraft shall be owned by resident landowners.
5. All aircraft within the CUP boundary shall be stored inside.
6. Only single-engine aircraft shall use the Airport. Ultra-light type of aircraft and twin prop aircraft shall not use the Airport.
7. A maximum of 2 helicopters shall be permitted to be included in the maximum of 6 operational aircraft stored on the Airport, all owned by resident landowners
8. The airstrip shall operate under FAA's "Visual Flight Rules." Night flying operations or lighting of the landing strip shall not be permitted.
9. Hours of operation shall be one-half hour before sunrise and one-half hour after sunset.
10. A maximum of 10 FAA defined "aircraft operations" shall be permitted per day. "Aircraft operation" is defined as one of either a take-off or a landing.
11. 'Touch and go' landing operations shall not be permitted. Defined as landing on a runway and taking off again without coming to a full stop.
12. Crop dusting operations shall not be permitted to use the Airport.
13. Commercial business/bartering, including the sale of fuel, shall not be permitted.
14. Changes to the topography of the airstrip shall not be permitted. The airstrip shall remain grass.
15. Educational training pertaining to airframe construction sanctioned by an accredited academic institution shall not exceed one event per year.
16. The premises shall be kept in a neat and orderly fashion.
17. Fuel for personal use shall be stored in appropriate containers.
18. Loudspeakers shall not be permitted.
19. Signage shall not be permitted.
20. The CUP shall expire when the Bureau of Aeronautics takes away the permit for the airstrip, OR no residential landowners use the CUP and the CUP becomes null and void.
21. The CUP shall be revoked upon failure to meet and continue to meet any requirements or conditions.