

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2017-2390 Dane County ZLR Committee Public Hearing Tuesday, September 26, 2017

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: 7 **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):

See attached minutes (email)

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, Susan Duerst Severson, 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, October 16, 2017

Susan Duerst Severson
Town Clerk

Tuesday, October 17, 2017
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:

From: Town of Springdale
To: [Lane, Roger](#)
Cc: [Allan, Majid](#)
Subject: Conditional Use Permit Report 2017-2390 Verizon
Date: Tuesday, October 17, 2017 5:16:02 PM

ACTION REPORT SUBMITTED 10/17/2017 REFERRED TO THIS ATTACHMENT:
(excerpt from Town Board 10/17/17 minutes meeting)

**CELL TOWER: VERIZON WIRELESS/Betty Stivarius lands/Zurbuchen Rd. /Sec. 24,
MOTION Fagan/Rosenbaum to approve CUP with conditions approved by our Plan**

Commission:

If it weren't for Wisconsin law, Act 20, passed in 2013, the CUP would be denied because the proposed location is inconsistent with the goals of the Springdale Land Use Plan with the proximity and density of residential uses of the neighboring landowners.

1. Dane County CUP 2390 Staff Report Potential Conditions of Approval, dated Sept. 26, 2017 conditions 1-19, 21.

2. Dane County CUP 2390 Staff Report Potential Conditions of Approval, dated Sept. 26, 2017, condition 20 as amended as follows:

The tower lease area shall be surrounded by a security fence and landscaped screening which shall consist of a planted evergreen screen at least six (6) feet in width and initially landscaped with six (6) foot tall evergreens to ultimately form a continuous hedge that reaches to a height of at least 20 feet and maintained with healthy shrubs. The screening should be on all sides. If not currently possible on the east side, because of an existing unused structure, then, Verizon agrees to plant comparable screening were the structure removed.

3. The applicant shall comply with all information as provided in the CUP application and subsequent documents.

4. The use shall be limited to a wireless communication tower.

5. The hours of operation are 24/7.

6. There shall be no customers, no storage, no outdoor activities, no outside loudspeakers, no generation of trash.

7. Lighting on the cell tower structure is prohibited; lighting on the equipment building structure shall comply with the Town of Springdale Dark-Sky Lighting Ordinance and be switch-activated and shielded to direct the light downward.

8. Signage shall be limited to the FCC stipulated signage and identification only.

PC Motion to approve the CUP with conditions carried 7-0.

The Six Standards for a Conditional Use Permit Voted on by the Plan Commission:

1. Nay 7...According to the Town Land Use Plan, the density of residences and their proximity makes this proposed use inconsistent with the current Plan.

2. Nay 7.The uses and value of neighboring property owners will probably be impacted since land values will probably decrease.

3. Yes – 6, nay – 1 Impact sale of land.

4. Yes- 7-0

5. Yes-7-0

6. Yes- 7-0.

The Plan Commission acknowledged that the six standards for a CUP were not met and would normally be the basis for the PC to recommend denial of the CUP to the TB. But, they

recognize that the PC does not have the authority to deny based on State law.

Town Board Motion to Approve Carried 3-0

Roger – yellow highlight is the area changed on 10/16. Please let me know if I over looked anything or if you identify an error.

Thanks for your patience and guidance,

Susan Duerst Severson
Town Clerk
Town of Springdale
2379 Town Hall Road
Mt. Horeb, WI 53572
608-437-6230
<http://townofspringdale.org>

CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete the message. Thank you.