

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # 02483 Dane County ZLR Committee Public Hearing Tuesday, November 26, 2019

Whereas, the Town Board of the Town of Rutland 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:**      4 **In Favor**      0 **Opposed**

**TOWN BOARD VOTE:**      4 **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 10.222 (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):**

Petition 11496/CUP 02483 by Timothy Allen/Valerie Ahl to rezone 15.087 acres from RR-8 to RM-8 located at 4321 State Hwy 138 (Sec. 8) to allow for Large animal boarding and plumbing inside boarding stable. The Commission recommended approval with Petition #11496 and CUP #2483 for horse/large animal boarding and for plumbing inside boarding stable with the condition use application dated 8-6-2019 with Valerie Ahl. signature and the eight standards of a conditional use permit. Motion/2nd by Arndt/Nedveck; motion carried 4-0. Board action: The Planning Commission recommended approval of petition of Petition 11496 and both Conditional Use Permits (1. Allowing Large Animal Boarding, and 2) adding a convenience bathroom to the existing barn with the inclusion of the eight standards of a CUP as indicated in the CUP applications dated 8/6/2019 and signed by Valerie Ahl. In addition the CUP for the large animal boarding included the following hours of operation: "8 am to 8 pm, one employee, 5 customers, adequate storage and lighting exists. We will not post a sign by the road, and we will not host events. We have safely housed 5 horses for years and are asking to expand our group to 10 horses on 15 acres.: Motion/2nd by Nedveck/Grueneberg to accept the commission's recommendation to approve Petition 11496/CUP 02483 as recommended by the Planning Commission.

**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, Dawn George, as Town Clerk of the Town of Rutland, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Tuesday, November 5, 2019

**Town Clerk** Dawn George      **Date** Wednesday, November 6, 2019

# 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 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 |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans.   | 7. <input checked="" type="checkbox"/> SATISFIED / <input 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 checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Petition 11496/CUP 02483 by Timothy Allen/Valerie Ahl to rezone 15.087 acres from RR-8 to RM-8 located at 4321 State Hwy 138 (Sec. 8) to allow for Large animal boarding and plumbing inside boarding stable.

The Commission recommended approval with Petition #11496 and CUP #2483 for horse/large animal boarding and for plumbing inside boarding stable with the condition use application dated 8-6-2019 with Valerie Ahl. signature and the eight standards of a conditional use permit. Motion/2nd by Arndt/Nedveck; motion carried 4-0.

Board action: The Planning Commission recommended approval of petition of Petition 11496 and both Conditional Use Permits (1. Allowing Large Animal Boarding, and 2) adding a convenience bathroom to the existing barn with the inclusion of the eight standards of a CUP as indicated in the CUP applications dated 8/6/2019 and signed by Valerie Ahl.

In addition the CUP for the large animal boarding included the following;

1. hours of operation: 8 am to 8 pm,
2. one employee, 5 customers,
3. adequate storage and lighting
4. will not post a sign by the road
5. will not host events.
6. expand our group to 10 horses on 15 acres

Motion/2nd by Nedveck/Grueneberg to accept the commission's recommendation to approve Petition 11496/CUP 02483 as recommended by the Planning Commission.