

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2441 Dane County ZLR Committee Public Hearing Tuesday, November 13, 2018

Whereas, the Town Board of the **Town of** Vermont 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):

1. This conditional use permit will allow the entire property to be lighted at night in accordance with the provisions below.
2. Outside light fixtures shall be located for existing activities, the proposed tubing hill and where necessary for safety.
3. All lights shall be installed and/or maintained in a manner (including directional LED lights, hoods or shields) so as to minimize direct illumination of adjoining premises and the night sky. No amount of relocation, aiming, or shielding will eliminate direct viewing or reflection of some of the lighting. If a specific fixture can be identified as posing a concern to a neighbor, Tyrol will review and make modifications if possible or reasonable from both an operational and economic (cost) perspective.
3. If current lighting is replaced or new lighting installed, the luminaries shall have a maximum Kelvin color temperature of 4000k.
4. Hours of lighting operation shall be limited to when the facility is open for recreational purposes or special events. However, partial lighting may be continued after closing provided every reasonable effort shall be made to limit lighting to only those areas where maintenance, snow making grooming are taking place, or as safety necessitates.
5. A safety and privacy fence shall be installed along the top of the tubing hill, near the northeast side of the Reinhold property.

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 motion of approval at the board meeting was as follows:

Move approval of CUP #2441 with the associated six conditions as part of a correction to the legal description associated with CUP #1632, that was approved in 2000 on the basis of the six standards being met.

Motion seconded and approved 3-0.

I, Chris Christian, as Town Clerk of the Town of Vermont, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, November 12, 2018

Chris Christian
Town Clerk

Tuesday, November 13, 2018
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: