

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

Regarding Petition # DCPCUP-2023-02604 Dane County ZLR Committee Public Hearing Wednesday, September 6, 2023

Whereas, the Town Board of the Town of Burke 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:**      6 **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 10.220 (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):**

Conditions Unique to CUP 2604.

- 1) This conditional use is strictly for Zach Brumm, doing business as ZB Salvage & Recycling located 4307 Acker Road in the Town of Burke.
- 2) Owner must provide sanitary facilities such as well and septic.
- 3) The Town Board and Plan Commission approve the following hours of operation.
  - 8:00 a.m. to 5:00 p.m., Monday through Friday; 8:00 a.m. to 12:00 p.m., Saturday.
  - No outdoor operations of any kind shall take place on Sundays or legal holidays.
- 4) Dismantling of vehicles shall take place inside the building.
- 5) There will be no car crushing at this location.
- 6) All business vehicles and machinery shall be kept in running condition and in good maintenance.
- 7) Driveway improvements must be permitted by the Town and must be with stormwater run off in mind. Neighbor properties must not be negatively impacted. There shall be an apron, size and placement approved by Town engineer, to mitigate mud and gravel to travel out onto Acker Rd.
- 8) Property must contain lighting that avoids polluting neighborhood properties.
- 9) Outdoor signage must meet Dane County zoning requirements.
- 10) Owner shall meet DNR and DOT standards for indoor and outdoor storage of salvaged vehicles.
- 11) An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.
- 12) Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in a well-kept organized manner.
- 13) There will be no vehicle storage (stacking) higher than fence height in front.
- 14) Property must be screened. Front fence should be 8 ft in height (corrugated steel or similar).
- 15) The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.
- 16) All hazardous materials or liquids must be stored properly according to State regulations including the registration or opt-out certification with the DNR Refrigerant Recovery Program.
- 17) Business shall register with the DNR Stormwater program and complete the Stormwater Pollution Prevention Plan and operate in accordance with the requirement of the Wisconsin Pollutant Discharge Elimination System.
- 18) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
- 19) The applicant shall apply for and receive all other required local, state, and federal permits including stormwater runoff permits for auto salvage.
- 20) The conditional use permit shall be for a Type 1 License Salvage Yard only.
- 21) The Conditional Use Permit (CUP) shall become void should these conditions not be followed or should ZB Salvage and Recycling be sold or leave parcel 4307 for any reason.

**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, PJ Lentz, as Town Clerk of the Town of Burke, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Wednesday, September 20, 2023

**Town Clerk** PJ Lentz      **Date** Thursday, September 21, 2023

# **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:**