TOWN BOARD ACTION REPORT - CONDITIONAL USE PERMIT

Regarding Petition # _____ Dane County ZLR Committee Public Hearing _____

Whereas, the Town Board of the Town of _______ 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:
 In Favor
 Opposed

 TOWN BOARD VOTE:
 In Favor
 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):	

<u>PLEASE NOTE</u>: 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.

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."

- 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.
- 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.
- 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.
- 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
- 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.
- 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- 1. SATISFIED / NOT SATISFIED
- 2.
 SATISFIED /
 NOT SATISFIED
- 3. SATISFIED / DNOT SATISFIED
- 4.
 □ SATISFIED / □ NOT SATISFIED
- 5.

 SATISFIED /
 NOT SATISFIED
- 6. SATISFIED / NOT SATISFIED

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

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TOWN OF BURKE RESOLUTION NO. 06202018A

RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP) SUBMITTED BY ZIGNEGO READY MIX

WHEREAS, an application for a Conditional Use Permit for a ready mix plant on the property located at 5356 Felland Rd (parcel number 0810-234-8500-0) was submitted to the Town for review and action by Zignego Ready Mix; and

WHEREAS, the Plan Commission has reviewed the application and recommended conditional approval; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation.

NOW, THEREFORE, the Town Board hereby approves the CUP with Conditions as follows:

- 1) The operator shall take reasonable measures to control dust on the property;
- 2) The site and driveway shall be paved;
- 3) Fuel storage tanks on site shall meet applicable State and Federal standards;
- 4) Hours of operation shall be 6:00 a.m. to 8 p.m. Monday through Friday and 6 a.m. to 2 p.m. on Saturday. Occasional operations may be necessary in the event of emergencies and to meet contractual obligations. If hours of operations are extended for a period of five (5) days or more, the operator shall provide a written notice to the Town Clerk no less than 24 hours in advance of extending the hours of operation;
- 5) Outdoor lighting on the property shall be down cast to minimize impact on neighboring properties;
- 6) Landscaping screening shall be located in accordance with the application (map attached);
- 7) Existing trees on the undeveloped area of Nelson Road shall be undisturbed unless they interfere with the vision triangle of the ingress and egress;
- 8) An annual road maintenance fee of \$2,000 is submitted to the municipality by December 31 each year;
- 9) The site plan including driveway location, ingress, egress, turn lanes, etc. shall be approved by the Town Engineer prior to construction; and
- 10) The CUP is limited to the 12 acres described as follows:

COMMENCING AT A POINT ALONG THE SOUTHERLY RIGHT OF WAY LINE OF NELSON ROAD THENCE S 35'00'47" W ALONG THE NORTHWESTERLY RIGHT OF WAY OF THE WISCONSIN AND SOUTHERN RAILROAD, 1172.59 FEET; THENCE N 90'00'00" W, 214.16 FEET; THENCE N 00'00'00" E, 978.75 FEET, THENCE N 89'41'46" E ALONG THE SOUTHERLY RIGHT OF WAY OF NELSON RD, 853.03 FEET TO THE POINT OF THE BEGINNING. The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on \underline{UUUU} , 2018.

APPROVED:

By_ Kevin Viney, bwn Chair ATTEST Brenda Ayers, Town lerk/Treasurer