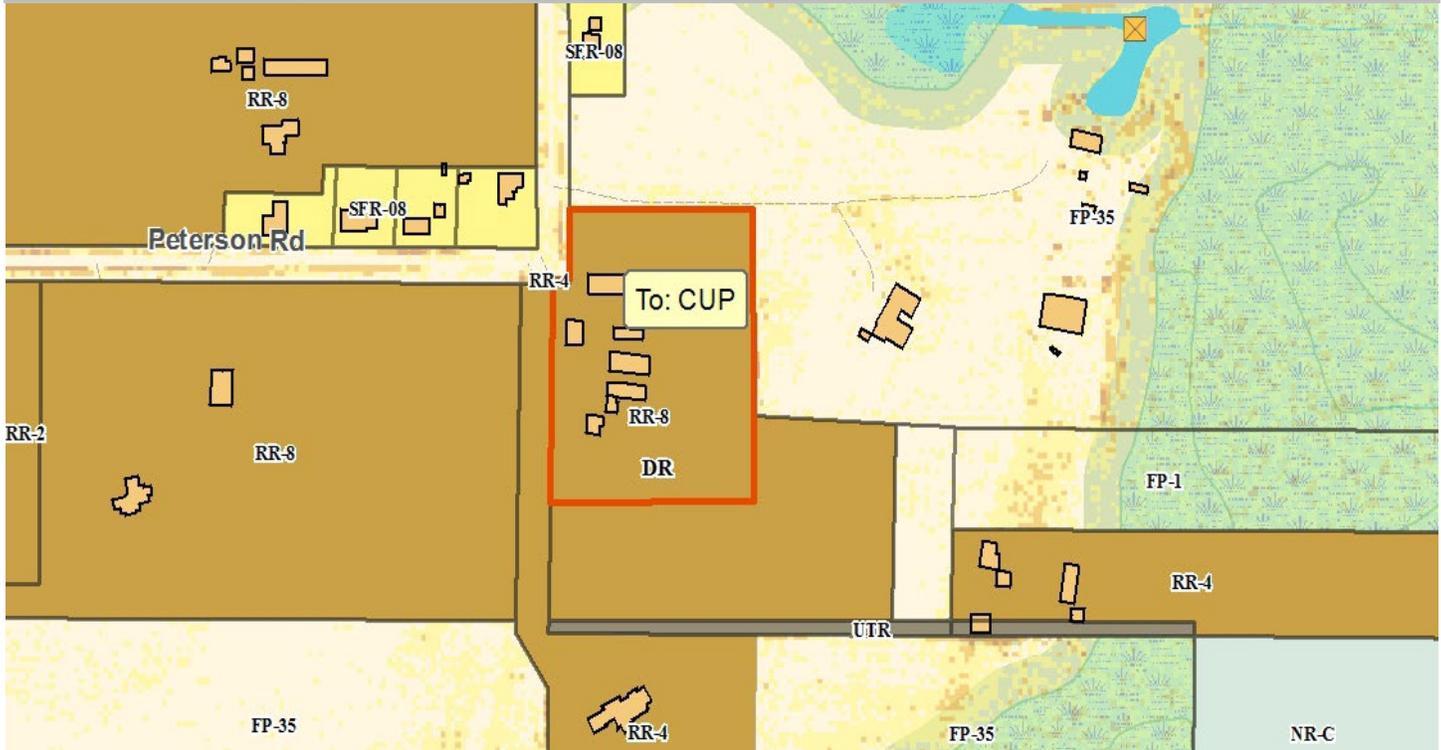


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> May 10, 2022		CUP 02558
	<i>Zoning Amendment Requested:</i> TO CUP: LIMITED FAMILY BUSINESS		<i>Town/Section:</i> DUNN, Section 12
	<i>Size:</i> 5.3 Acres	<i>Survey Required:</i>	<i>Applicant</i> JEFFREY RIEGERT
	<i>Reason for the request:</i> LIMITED FAMILY BUSINESS		<i>Address:</i> 3363 PETERSON ROAD



DESCRIPTION: Applicant requests approval of a Conditional Use Permit (CUP) for a Limited Family Business to allow operation of a small construction company, Riegert Builders. The owner operated business would be run out of an existing 60'x60' accessory building and include office space, woodworking shop, and convenience restroom. No outdoor storage or uses are proposed. The owner is the only full time employee and hours of operation would be 7:00AM-4:30PM, Monday through Friday.

OBSERVATIONS/ FACTUAL INFORMATION: The 9.65 acre subject property is zoned RR-8 and current land use is rural residential. Neighboring land uses are rural residential and agriculture / open space. No new structures are proposed, and no additional services are needed to accommodate the use.

TOWN PLAN: The property is located in an agricultural preservation area.

RESOURCE PROTECTION: No resource protection areas on the property.

STAFF: The proposed conditional use appears reasonably consistent with town plan policies which allow for limited family businesses that are compatible with a rural area and surrounding land uses. The proposed owner operated business would be located on a 9.65 acre parcel in an existing accessory building, with most work performed offsite. With appropriate conditions of approval, the potential for conflicts with neighboring properties appears to minimal.

Pending any concerns expressed at the public hearing, staff recommends approval of the petition subject to the following conditions:

Town of Dunn conditions:

1. Hours of business operation shall be limited to 7:00 am to 4:30 pm, Monday through Friday.
2. Number of employees is limited to one person, who must reside at the property. Any other subcontractors or employees that visit the property shall be limited to infrequent visits of short duration and shall not exceed three people at a time.
3. External lighting shall be restricted to safety lights at the entrance and exits of the building. Lighting must be dark skies compliant and no light shall spill over the neighboring property line.
4. Trash and recycling collection and bins for the business shall be limited to what is provided to the residence by the Town's contracted trash and recycling vendor.
5. All business-related vehicles, equipment, and materials must be stored indoors (within the accessory building depicted on the applicant's site plan). Activities related to the limited family business must be conducted indoors (within the accessory building depicted on the applicant's site plan).
6. Vehicle and equipment storage for the business cannot exceed more than 2 light vehicles such as pickup trucks or vans and 4 medium sized pieces of construction equipment such as a Bobcat or scissors lift.
7. The area for storing construction materials cannot exceed a 100 square foot area.
8. The sanitary for the bathroom in the accessory building must connect to the septic system for the residence. Sanitary fixtures must be removed when the limited family business ceases to operate or the CUP terminates.
9. Human habitation is not allowed in the accessory building.
10. The owner of the property must reside on the property before the CUP can become effective.
11. Noise related to CUP is limited to 60 dBA measured at the property line. For a period of a total of 10 minutes per day, decibel levels may reach 100 dBA between 9am to 5 pm.
12. Customers or clients are not allowed to come to the property to purchase or pickup items related to the limited family construction business or the woodworking shop.
13. No storage of hazardous, toxic, or explosive materials may occur on site. There may be no industrial or manufacturing uses on the property. Any water discharge to the ground must be composed entirely of storm water.
14. No signage is allowed.

Standard conditions of approval (apply to all conditional uses)

15. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
16. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
17. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
18. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
19. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
20. At least two off-street parking spaces must be provided, consistent with s. 10.102(8).
21. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
22. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

23. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
24. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
25. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
26. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.
27. This conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: Approved with conditions (incorporated in list above).