



# Staff Report

Public Hearing: **December 13, 2016**

Petition: **Rezone 11067  
CUP 2366**

Zoning Amendment:  
**A-1EX Exclusive Agriculture  
District to A-2 Agriculture District**

Town/sect:  
**Dunkirk  
Section 30**

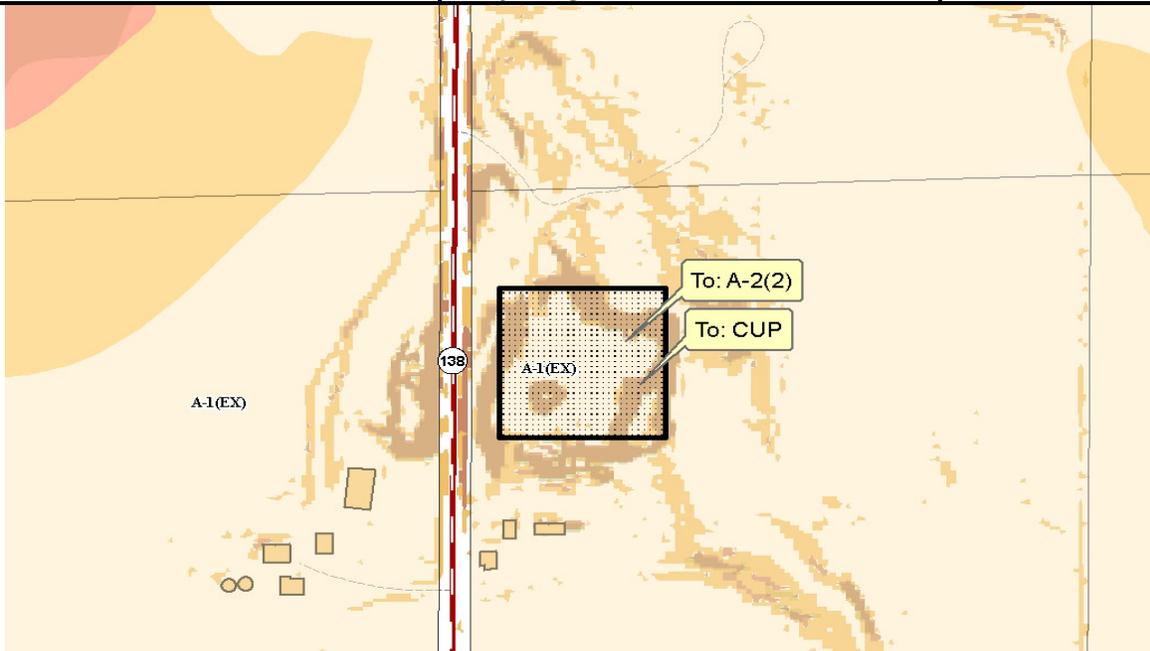
Acres: 2.81  
Survey Req. No

Applicant  
**Thayer E Every**

Reason:  
**Zoning to allow for a salvage  
recycling center  
CUP Description: Salvage  
recycling center**

Location:  
**298 State Highway 138**

Zoning and Land Regulation Committee



**DESCRIPTION:** Applicant proposes to rezone a 3.05 acre area of a 38.1 parcel to A-2(2) in order to request a Conditional Use Permit to allow operation of a salvage recycling center. The site would be primarily used as a “staging area” for the storage of metal recycling equipment to support other sites owned by the applicant.

**OBSERVATIONS:** The proposed site is situated in a defunct limestone quarry. The depth of the quarry provides natural screening of the proposed operation. There is an existing residence on the property which is located 500’ from the abandoned quarry. There are four other neighboring residences that are located from 820’ to over 1,400’ away from the site. No significant environmental features observed.

**TOWN PLAN:** The property is located in the town’s agricultural preservation area.

**STAFF:** The proposal would enable the applicant to relocate equipment and materials currently stored at other sites in the town of Rutland and Rock County. If the petition is approved, the zoning administrator will issue a license for operation of the salvage recycling center. Annual inspections would be conducted to ensure operations are in compliance with the zoning ordinance, and renewal of the license would be subject to ZLR Committee review.

Given the remote location of the property, impacts on neighboring residential uses should be nominal. The proposal appears reasonably consistent with town plan policies. Staff recommends that the A-2(2) zoned area be deed restricted to prohibit residential development. The one remaining split on the original farm will stay with the northerly 40 acre parcel owned by Mr. Weum. Staff have recommended conditions of approval of the CUP on page 2 of the staff report (see below)

**TOWN:** Pending.

## Proposed Conditional Use Permit #2366

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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. 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The salvage recycling center shall be subject to the annual licensing and inspection requirements of the zoning code.
2. The salvage recycling center shall at all times comply with any other applicable local, state, or federal permitting or licensure requirements.
3. Storage of all materials and equipment shall be located in the quarry area below the grade of surrounding land so as not to be visible from State Highway 138, Oak Lawn Road, or adjoining properties. All metal and material to be stored on racks, shelves, or similar supports, with none stored on the ground.
4. For any sight from Highway 138, a 6 foot berm has been built, and is to be maintained or added onto as deemed necessary for aesthetics.
5. No signage shall be permitted on the premises.
6. Any outdoor lighting shall be for security purposes only and shall be down-shrouded to avoid light pollution onto adjoining properties.
7. Hours of operation would be no more than 7:00am to 7:00pm during Daylight Savings Time, and daylight hours only during the normal non-Daylight Savings Time.
8. For highway safety, all trucks and heavy vehicles will exit from the property to the North.
9. Owner will construct and install a sufficient metal gate for security and unwanted intrusion protection. The metal gate will be placed in far enough for any extended length trucks to enter and exit without any Highway 138 obstruction.
10. Storage of inoperable vehicles, oil, antifreeze, etc. is not allowed, as this could create ground contamination.
11. A spill kit will be on-site, which is capable of absorbing contaminants such as oil, antifreeze, etc. in the event of an unexpected spill.