



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **October 25, 2016**

Petition: **Rezone 11048**

Zoning Amendment:  
**A-1EX Exclusive Agriculture District to A-B Agriculture Business District and C-1 Commercial District**

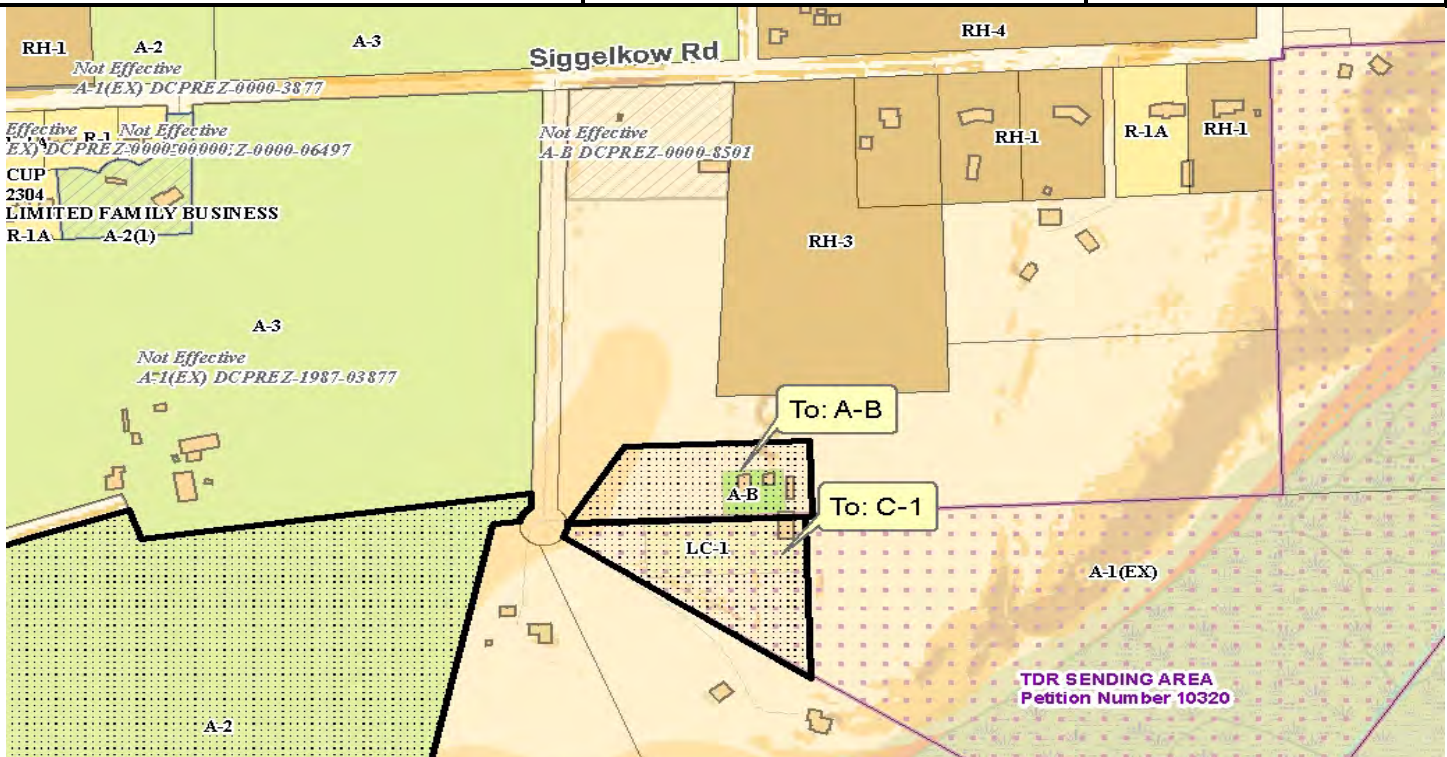
Town/sect:  
**Cottage Grove Section 31**

Acres: 2.28, 3.63  
Survey Req. No

Applicant  
**Elizabeth Lightfoot**

Reason:  
**Zoning compliance for existing landscaping business**

Location:  
**3055 Sigglekow Road**



**DESCRIPTION:** The petitioner is seeking a rezone in anticipation of future expansion of her nursery operation – Avant Gardening & Landscaping. *Please see the attached site plan.* The planned expansion will happen gradually with the 5 parking stalls for the nursery area and the planting of trees for screening happening right away. The key reason for the change in zoning district is an ability to include retail. The retail is intended to remain a small part of the operation, with the landscaping division being the focus of the operation. As described in the application: “we do not plan to grow the nursery into a large operation, it is merely to fortify income from occasional drive by and existing customer sales”.

**OBSERVATIONS:** The subject property is surrounded by a mixture of rural residential and agricultural land uses. The existing landscaping business has been in operation for almost 20 years.

**TOWN PLAN:** The subject property is located in the *Agricultural Preservation Area* future land use district, and borders the *Commercial Development Area* land use district located to the west.

**RESOURCE PROTECTION:** The proposed area is not within a resource protection area.

**STAFF:** Staff recommends that the A-B and C-1 zoned areas be deed restricted to limit permitted uses to the operation of the landscaping and nursery business, retail sales of nursery stock produced on the property, and ancillary uses associated with operation of the business. Staff also recommends a deed restriction to prohibit the installation of off-premises advertising (billboard) signage.

**TOWN:** Approved with conditions: allow for limited retail sales of nursery stock produced on the property, subject to the following conditions: At least two bump outs must be installed on Sigglekow Road, and the driveway must be paved within one year (the use of crushed asphalt is acceptable).

## Rezone 11048 continued

**10/25 ZLR:** The ZLR Committee postponed action due to public opposition. Tom Payne and Randi Payne were opposed to the petition and expressed concerns regarding storm water management, access for emergency vehicles, and activities regarding retail sales.

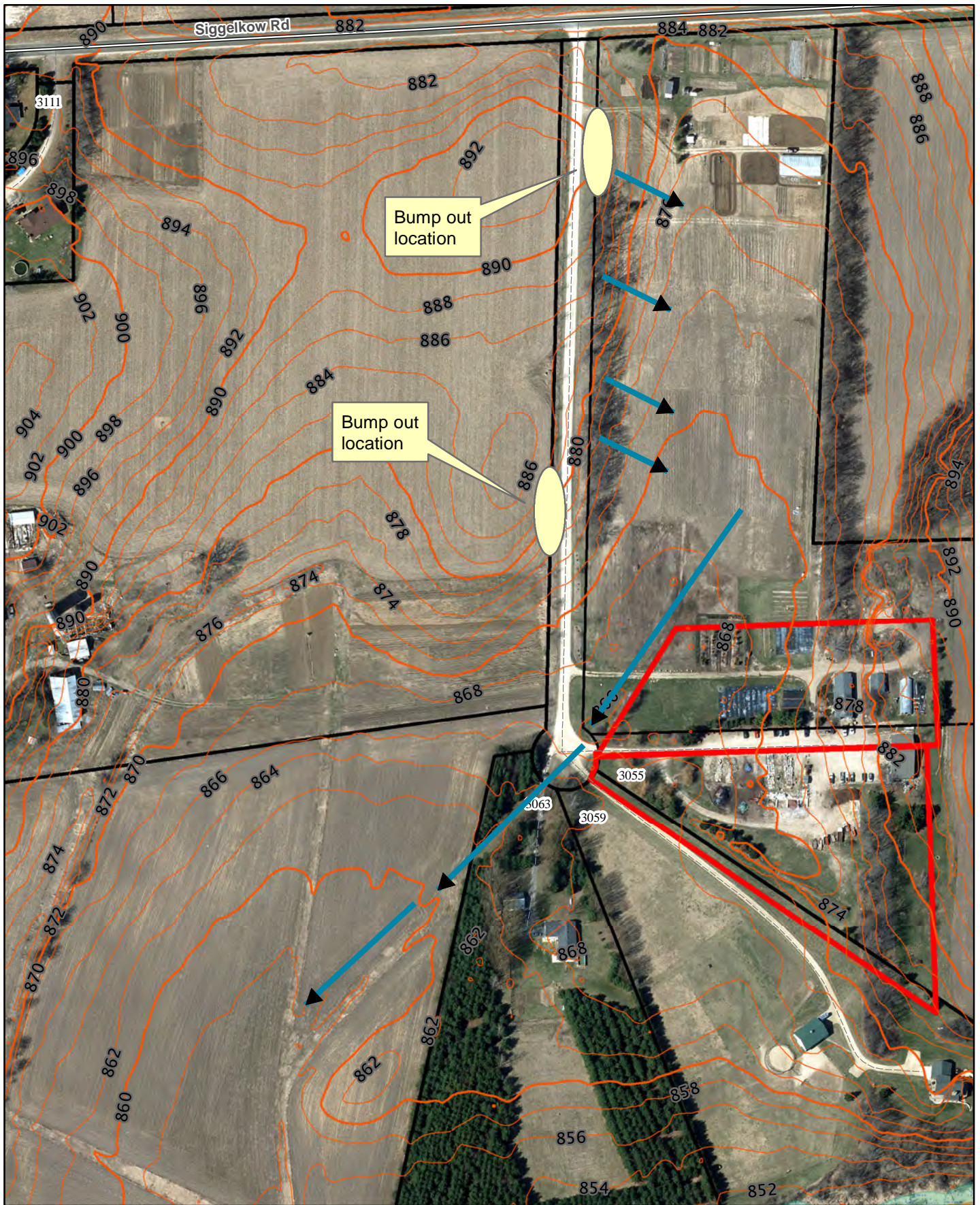
Storm water Management: There were concerns raised regarding the runoff from the private drive. The existing driveway has been constructed to shed water off to the east into the agricultural field for the majority of the drive length. Due to natural topography of the area, storm water settles by the cul-de-sac at the base of the driveway. There are adequate culverts in place that will transfer storm water under the driveways to a constructed storm water swale on the Payne property. The swale continues to the west out into a field. There is an established drainage way through the field. It appears that adequate measures are in place to handle the storm water to support the driveway. See attached inspection report.

Access for emergency vehicles: The access to the neighboring residential properties consists of a 1300-foot private drive that is located on the Lightfoot property. The driveway measures approximately 18-foot wide and has a compacted gravel base. The maintenance of the private drive is performed by Ms. Lightfoot exclusively due to the Payne's refusal in participating in the costs. The driveway appears to be properly constructed to allow the passing of vehicles. However, to further address the concern, the landowner (Lightfoot) has agreed to install two bump out areas (road widening), to allow vehicles to pull off the main path if needed. See attached map.

Activities regarding retail sales: The Payne's expressed concerns regarding the intensity of the retail sales of the business. Avant Gardening & Landscaping's business is primarily gear towards landscaping services. The company produces their own nursery stock as part of their business plan. They would like to sell some of the nursery stock that is grown on the property. The town approved the petition with a limitation that retail sales will be permitted on the property, although limited to nursery stock that is grown on the premises. Staff feels that this limitation is an adequate safeguard to ensure that the retail sale component of the business operation does not conflict with neighboring land uses.

Staff suggests the following conditions to support Town approval and to address neighborhood concerns:

1. The deed restriction as required under Zoning Petition #8623 shall be revised to allow the following land uses within the A-B Agri-Business and the C-1 Commercial Zoning District boundaries: retail sales limited to nursery stock produced on the property, bagged soil, compost, and fertilizer; operation of landscape and gardening business.
2. A private drive shall be improved by adding two bump outs (driveway widening) as specified on the plans and resurfacing the driveway with crushed asphalt. The improvements shall be installed within one year (November 2017).



**Legend**

 Wetland



0 120 240 480 Feet

**Petition 11048  
Driveway**

**Site Inspection**  
**November 2, 2016**  
**3055 Sigglekow Road**  
**Petition 11048**

A site inspection was performed at 3055 Sigglekow Road to evaluate the private driveway regarding access for emergency services and storm water concerns.

Driveway construction

The driveway is constructed from compacted gravel. The current width of the drive path ranges from 18 to 20 feet. It appears that driveway is adequate to allow for the passing of vehicles. See picture below.



Storm water

The driveway is graded so that any storm water will sheet off to the agricultural field to the east (owned by Lightfoot). The natural topography will carry the storm water out into the agricultural field. The driveway continues south to a cul-de-sac area. The grades are very flat in this area. See picture below.



There is collection point for all lands to the east located at the cul-de-sac area. This is due to natural topography of the area. There are adequate culverts in place that will transfer storm water under the driveways to a constructed storm water swale on the Payne property. The swale continues to the west out into a field. There is an establish drainage way through the field. It appears that adequate measures are in place to handle the storm water to support the driveway.

Picture shows the culverts under Payne property driveway



Picture shows constructed drainage way across the Payne property to the field

