



# Staff Report

Public Hearing: **January 27, 2015**

Petition: **Rezone 10789  
CUP 2305**

Zoning Amendment:  
**RH-2 Rural Homes District to LC-1  
Limited Commercial District**

Town/sect:  
**Cross Plains  
Section 21**

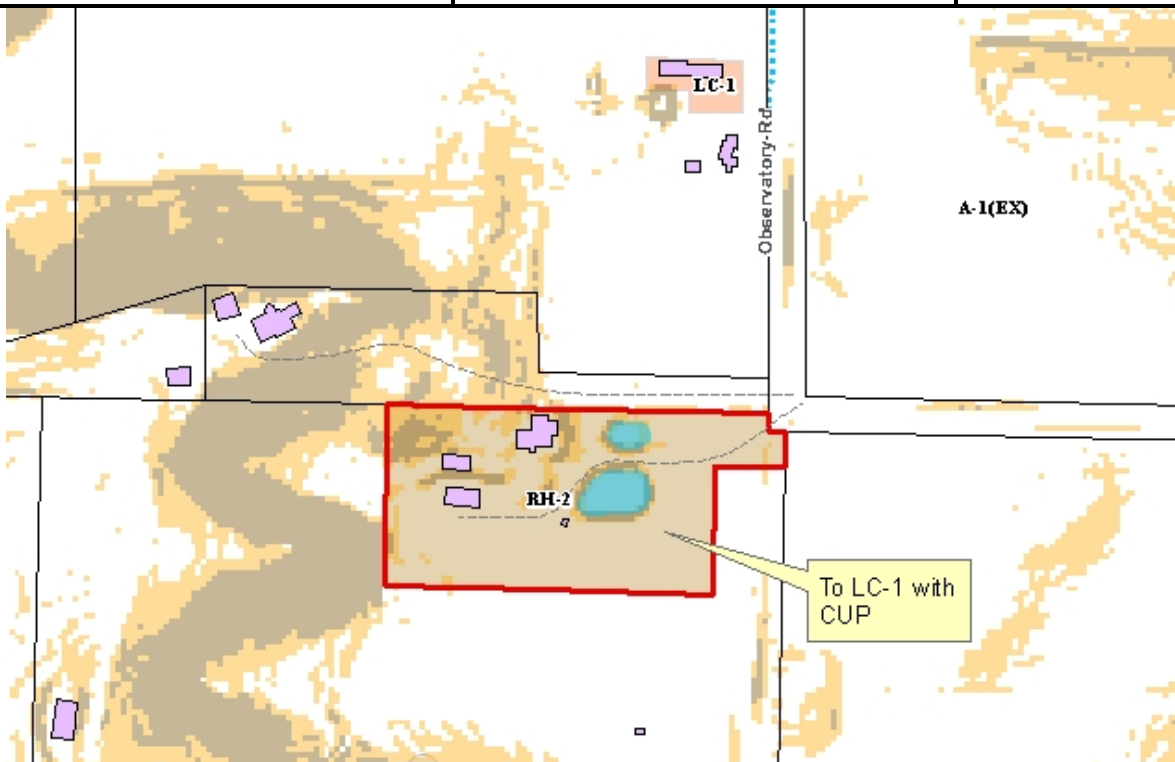
**Zoning and Land Regulation Committee**

Acres: 5.0  
Survey Req. Yes

Applicant  
**Brett Marsh**

Reason:  
**Allow landscaping business  
CUP: residence for business  
owner**

Location:  
**3883 Observatory Road**



**DESCRIPTION:** Applicant is proposing to rezone the existing 5 acre RH-2 property to LC-1 Limited Commercial zoning area to provide zoning compliance for operation of a landscaping business. A conditional use permit is also requested for the residence for the owner / operator of the business. The landscaping business currently consists of the owner and two employees, six trucks, a mini excavator and a couple small loaders which will be kept in the existing sheds.

**OBSERVATIONS:** There is an area of steep slope topography in the northwestern corner of the property. No development proposed that would impact the steep slope area. There are two man made ponds located on the owner's existing RH-2 property.

**TOWN PLAN:** The property is located in the town's agricultural preservation area. Small scale nonfarm commercial development may be allowed under limited circumstances.

**RESOURCE PROTECTION:** No areas of resource protection corridor located on the property.

**STAFF:** The proposal appears reasonably consistent with town plan policies. The initial petition request sought to establish a ~2 acre LC-1 zoned area within the parcel. Based on a staff recommendation, the applicant agreed to amend the petition request to rezone the entire 5 acre parcel to LC-1 with a conditional use permit for the existing residence. Please see attached draft conditional use permit for recommended conditions.

**TOWN:** Approved.

## Proposed Conditional Use Permit # 2305

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 Conditional Use Permit is exclusively for a residence for the owner / caretaker of the contractor business located on the property.
2. Contractor uses of the property shall occur in the existing accessory buildings. Any ancillary contractor uses shall be conducted in the rear yard of the property.
3. Outside storage of materials is prohibited.