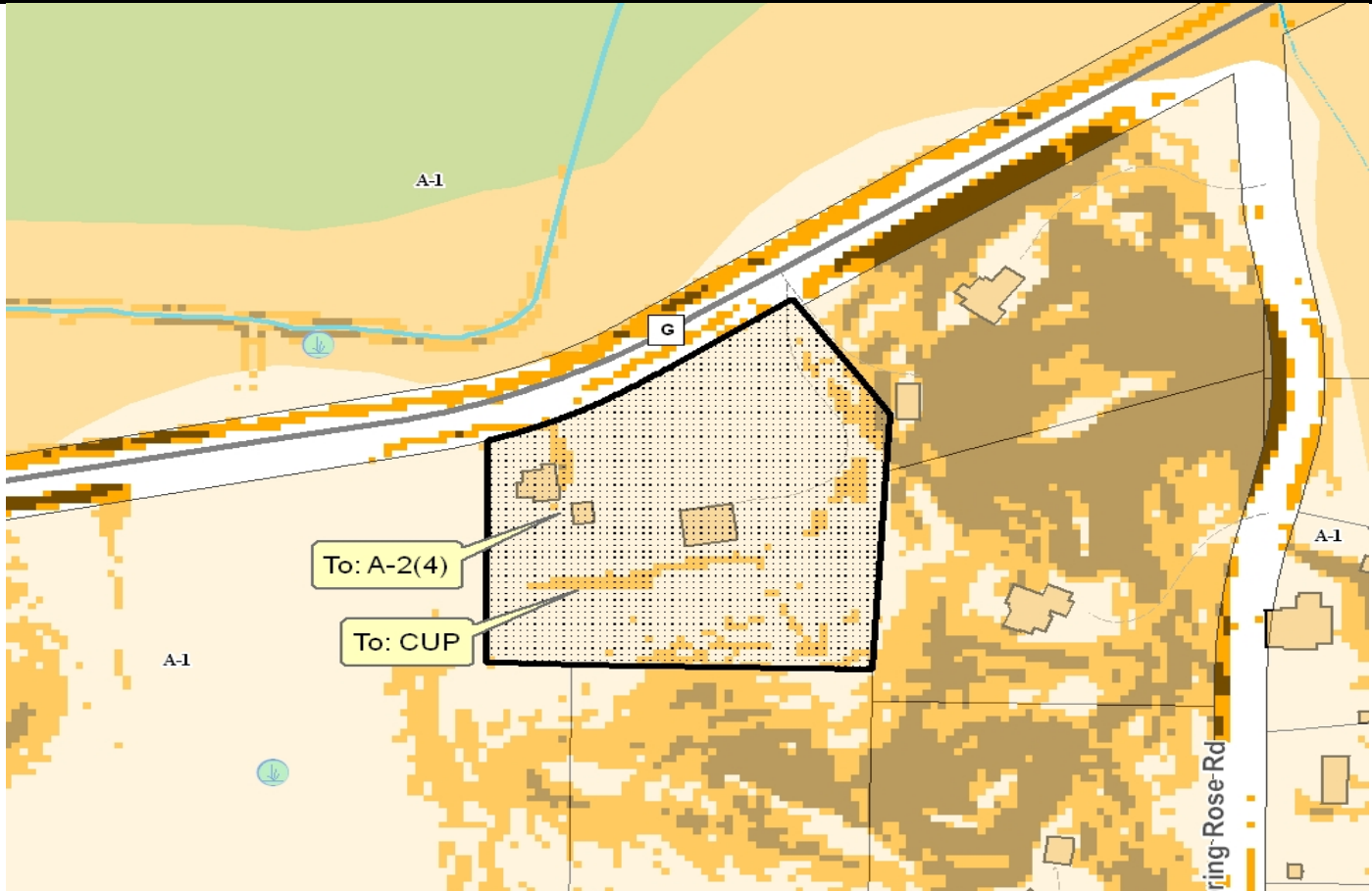




Staff Report

Zoning and Land Regulation Committee

Public Hearing: May 26, 2015	Petition: CUP 2310
Zoning Amendment: Not applicable	Town/sect: Springdale Section 25
Acres: 5.04 Survey Req. No	Applicant Robert D Neerland
Reason: allow a limited family business- Pest control business	Location: 7993 County Highway G



DESCRIPTION: The applicant would like to obtain a conditional use permit for a limited family business in order to correct a pending violation. A pest control business is being operated from an accessory building without approval.

OBSERVATIONS: The property consists of 50% Class II soils. There are a few areas of steep slope topography on property. No other significant environmental features observed. A 52'x78' Agricultural Accessory Building was constructed on the property in 2012. The business is being operated from this building.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: The property is located in the town's "mixed agricultural / low density" planning area. The proposal appears reasonably consistent with town plan policies that accommodate limited, service based businesses that are compatible with the town's rural character. See attached list of recommended staff conditions on the CUP, below.

5/26 ZLR: The petition was postponed due to no town action and concerns expressed by the public regarding the proposal meeting Town Plan policies.

TOWN: The Town approved the conditional use permit with 16 conditions. Staff recommends two additional conditions (condition 17 & 18).

Proposed Conditional Use Permit # 2310

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 limited family business shall be limited to the pest control business.
2. The on-site business operation shall be restricted to the existing 52'x78' accessory building, building permit dated 01/15/13. Additions to the existing building and/or construction of another building for business purposes shall not be permitted. The Town shall be notified of any additional building of residential accessory building(s) for residential purposes, not business purposes.
3. The hours of operation shall be Monday through Friday, from 7 a.m. to 6 p.m.
4. All employees except one or one full-time equivalent, shall be a member of the family residing on the property. The number of hours for family members not residing on the property and for non-family members to work on site shall be limited to 40 hours/week.
5. The vehicles used in the business shall be limited to seven vehicles and the number of one-person trips per day for the business is limited to twenty, one-person trips in and out of the CTH G site.
6. No customers shall visit the site. No retail sales shall be conducted on the property. The on-site business shall not be opened to the public.
7. No business activities shall be conducted outside of the accessory building.
8. Outside loudspeakers are prohibited.
9. Outside signs are prohibited.
10. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.
11. All chemicals for the pest control business shall be properly disposed of off-site and in accordance with all pertinent county, state, federal, and industry regulations.

Conditions continued to next page....

Proposed Conditional Use Permit # 2310

12. Servicing of personal and business vehicles shall be permitted on site with the proper disposal of vehicle fluids in accordance with all pertinent county, state, and federal regulations. The servicing of vehicles for hire on site shall be prohibited.
13. The conditional use permit shall automatically expire on sale of the property or business to an unrelated third party.
14. The building permit issued by the Town of Springdale, dated 01/15/13, shall be corrected to accurately reflect the elements of the accessory building as it is used.
15. State, county and local approval of the accessory building shall be in compliance with all applicable codes and ordinances.
16. This CUP shall be reviewed by the Town of Springdale Plan Commission and Town Board and Building Inspector in two years from 06/22/2015, 6/2017, to confirm its compliance with the conditions of the CUP and for consistency with the current goals of the Town of Springdale Land Use Plan.
- ~~17. The business owner shall reside on the property.~~
- ~~18. Water service may be provided to the accessory building.~~

8/11 ZLR meeting: The Zoning and Land Regulation Committee approved the petition with 18 conditions.

Staff Update: In speaking with the Town of Springdale, they will not accept the additional two conditions as suggested by Staff. They have requested that the Committee reconsider the Conditional Use Permit and approve it with the 16 conditions as suggested by the Town Board.