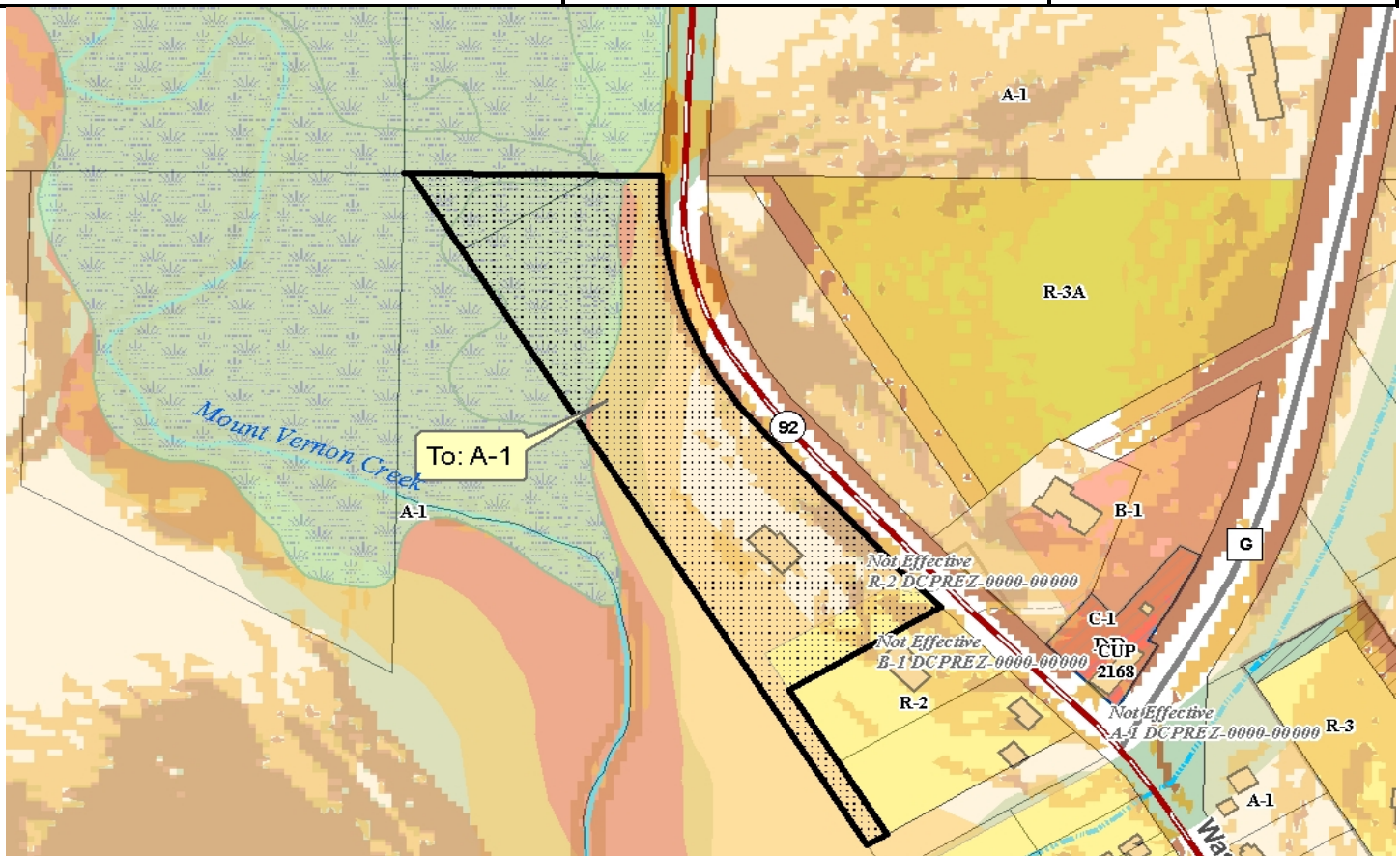




# Staff Report

<i>Public Hearing:</i> <b>December 13, 2016</b>	<i>Petition:</i> <b>Rezone 11065 CUP 2365</b>
<i>Zoning Amendment:</i> <b>R-2 Residence District to A-1 Agriculture District</b>	<i>Town/sect:</i> <b>Springdale Section 34</b>
<i>Acres:</i> 0.36 <i>Survey Req.</i> Yes	<i>Applicant</i> <b>Lucas Proctor</b>
<i>Reason:</i> <b>Hand forged home furnishings business (blacksmith) CUP Description: Limited family business</b>	<i>Location:</i> <b>1755 State Highway 92</b>

Zoning and Land Regulation Committee



**DESCRIPTION:** Applicant proposes to rezone the existing parcel to A-1 Agriculture Zoning District to request approval of a Conditional Use Permit for a Limited Family Business in order to operate a traditional blacksmith business. The blacksmith shop will produce handcrafted home furnishings which would be sold at artisan shows across the country. Applicant proposes to operate the business out of a new 1,980 square foot pole building that would be constructed north of the existing house.

**OBSERVATIONS:** The property is located on the north side of the hamlet of Mount Vernon. The property is just east of Donald Park. There is an area of wetlands located in the northwesterly corner of the parcel. The proposed accessory building would be located outside the wetland buffer area.

**TOWN PLAN:** The property is located in the town's "mixed agricultural / low density" planning area. Town plan policies supports the establishment of home-based businesses that are compatible with the rural character of the town

**STAFF:** The proposal appears reasonably consistent with town plan policies. See attached recommended conditions of approval on the CUP.

**TOWN: Rezoning:** Approved with no conditions.  
**Conditional Use Permits:** Approved with 9 conditions.

## **Proposed Conditional Use Permit #2365**

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 a blacksmith shop to be operated out of an accessory building to be constructed on the property.
2. Hours of operation shall be limited to 7am-6pm daily
3. There shall be no employees other than Lucas Proctor, the owner.
4. No retail sales shall be conducted on the property. The business shall not be open to the public.
5. All blacksmith activities shall be conducted within the accessory building. There shall be no outdoor storage of materials for the business on the property.
6. Outside loudspeakers are prohibited.
7. Outside signs are prohibited.
8. Outdoor lighting, except for required security lights shall be operational only during hours of operation. All lighting 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.
9. No plumbing is permitted within the accessory structure.
10. The conditional use permit shall expire upon the sale of the property or business to an unrelated third party.