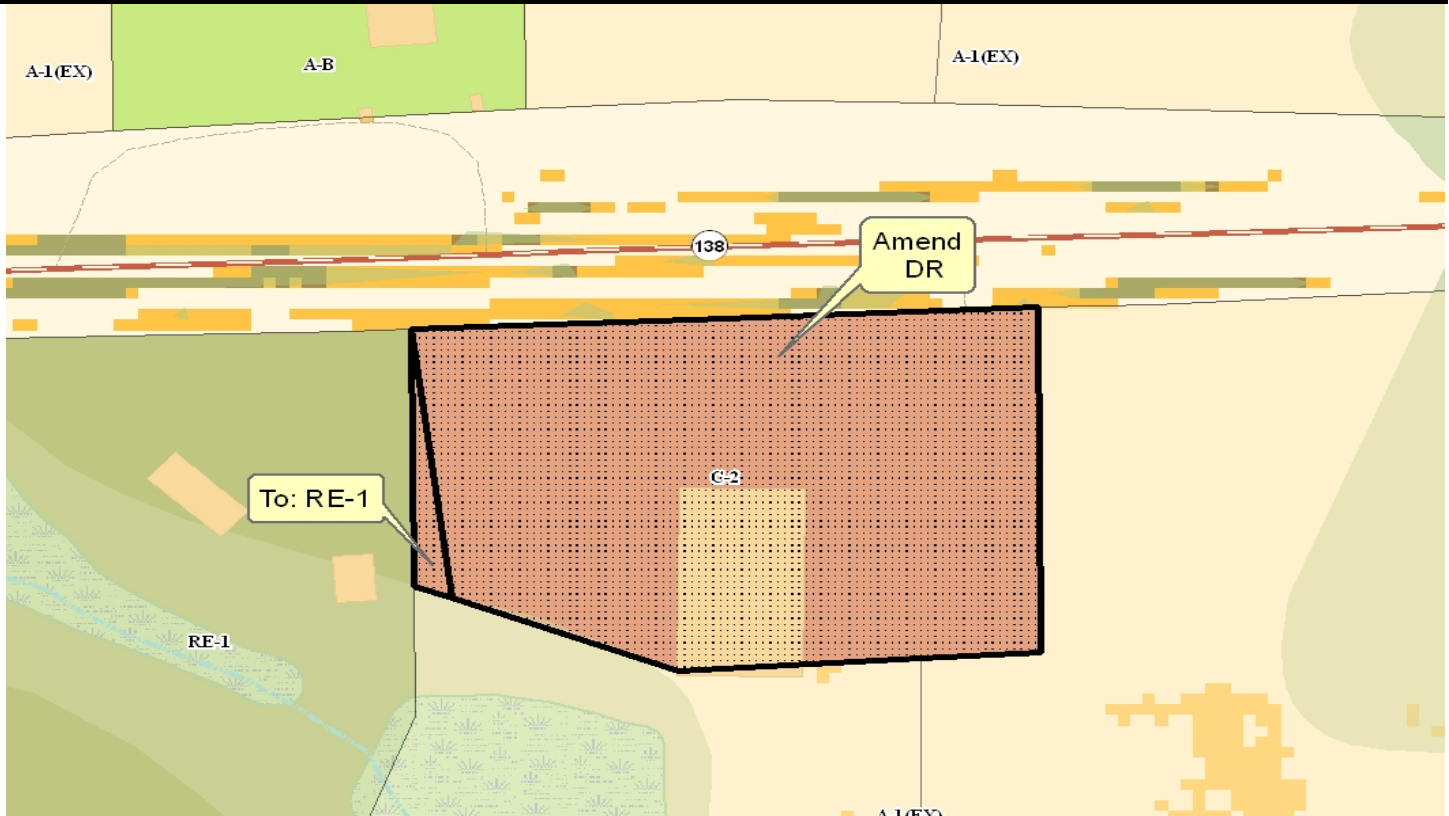




# Staff Report

<b>Public Hearing: May 27, 2014</b>	<b>Petition: Rezone 10674</b>
<b>Zoning Amendment: C-2 Commercial District to RE-1 Recreational District and C-2 Commercial District</b>	<b>Town/sect: Rutland Section 07</b>
<b>Acres: 3.35, .08 Survey Req. Yes</b>	<b>Applicant Thomas Mueller</b>
<b>Reason: Amend deed restriction to expand limited uses and shifting property line between adjacent property owners</b>	<b>Location: 4633 State Highway 138</b>

Zoning and Land Regulation Committee



**DESCRIPTION:** The property is the site of Mueller Implement and Rental on Highway 138 just west of the Village of Oregon in Section 7, Town of Rutland. The applicant is seeking to amend the existing deed restrictions on the C-2 zoned property to allow the addition of the following uses to the list of permitted commercial uses: landscaping / lawn care / snow removal contractor uses, repair and storage of contractor’s equipment and material, and outdoor storage of landscaping materials (mulch, stone, and soil). Applicant also proposes to rezone a portion of the C-2 property to RE-1 to enable the transfer a small portion of the property to the adjacent owner to the west (former golf driving range).

**OBSERVATIONS:** There is an existing 17,000 square-foot commercial building on the property. The eastern half of the property consists of Class II soils. No sensitive environmental features observed.

**TOWN PLAN:** The property is designated as the “existing commercial” on the town’s future land use map. Town policies allow for continuation and expansion of existing commercial uses within the designated parcel.

**RESOURCE PROTECTION:** The property is located outside the boundaries of the identified resource protection areas.

**STAFF:** The proposal appears consistent with town plan policies. Staff recommends that the existing deed restrictions be amended to allow the requested additional uses. Storage of contractor’s equipment and material should be within the existing warehouse with outdoor storage and employee parking behind screened fence as indicated by the applicant.

**TOWN:** Approved with limits on land uses and conditions regarding screening, lighting, and future town roads.