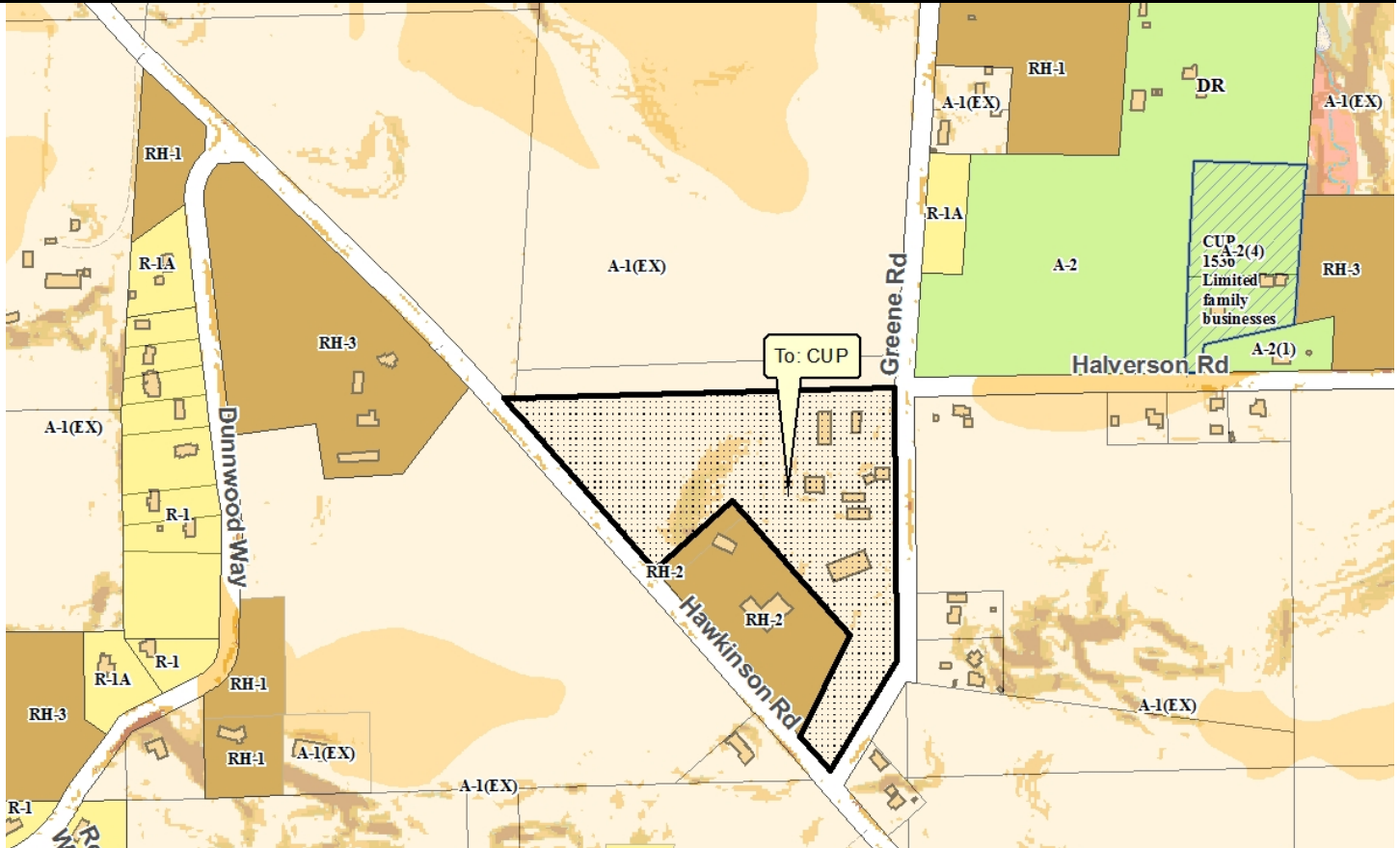




# Staff Report

<b>Public Hearing: February 27, 2018</b>	<b>Petition: CUP 02408</b>
<b>Zoning Amendment: TO CUP: parking of trucks used for hauling ag commodities</b>	<b>Town/sect: DUNN, Section 34</b>
<b>Acres: Survey Req.</b>	<b>Applicant JAMES ACE</b>
<b>Reason:</b>	<b>Location: 1825 GREEN RD</b>

Zoning and Land Regulation Committee



**DESCRIPTION:** Applicant requests approval of a Conditional Use Permit (CUP) to bring the existing agricultural commodities trucking use into zoning compliance. This proposal is being made to resolve a zoning violation on the property. The existing use involves the parking of trucks and semis that are used in the hauling of agricultural commodities. Hours of operation are 6:30am-7:30pm, daily. The applicant has 5 part-time employees.

**OBSERVATIONS:** No sensitive environmental features observed. Surrounding land uses include agriculture and scattered rural residences.

**TOWN PLAN:** The property is located in town’s agricultural preservation area.

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

**STAFF:** The proposed CUP would bring the existing use of the property into compliance with the zoning code and resolve an outstanding zoning violation. Town plan goals, objectives, and policies are geared toward agricultural preservation including related businesses that support the town’s agricultural economy. The proposal appears consistent with town applicable town plan policies. See recommended conditions of approval on page 2, below.

**TOWN:** Approved, with the following conditions (note that these are included in the recommendations, below):

- 1) A maximum of 7 trucks may be used for the business; 2) the trucks must continue to be parked amongst the buildings; 3) The business can employ a maximum of 4 full-time equivalent employees; 4)The CUP will sunset upon sale or transfer of the property.

## Staff Report for Conditional Use Permit 2408

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) This Conditional Use Permit is for an Agricultural Accessory Use – Agricultural Commodities Trucking business;
- 2) A maximum of 7 trucks may be used for the business;
- 3) The trucks must continue to be parked amongst the buildings;
- 4) The business can employ a maximum of 4 full-time equivalent employees;
- 5) The CUP will expire upon sale or transfer of the property.