
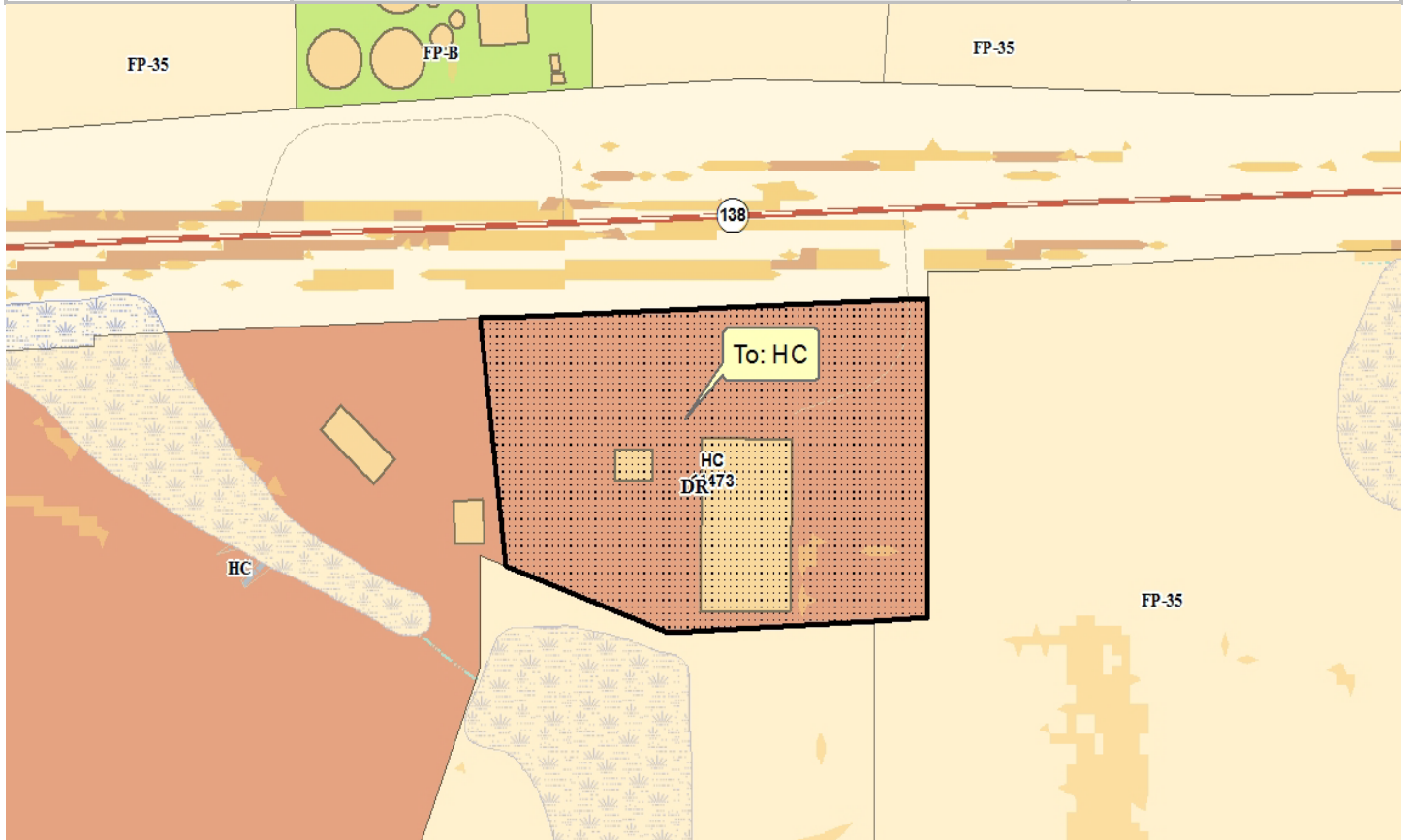


Staff Report  Zoning and Land Regulation Committee Questions? Contact: Majid Allan – 267-2536	<i>Public Hearing:</i> September 24, 2019	Petition 11473	
	<i>Zoning Amendment Requested:</i> HC (Heavy Commercial District) TO HC (Heavy Commercial District)		<i>Town/Section:</i> RUTLAND, Section 7
	<i>Size:</i> 3.452 Acres	<i>Survey Required:</i> No	<i>Applicant:</i> KJELLAND FAMILY LLC
	<i>Reason for the request:</i> AMEND CURRENT DEED RESTRICTIONS TO ACCOMMODATE NEW OWNER		<i>Address:</i> 4633 STATE HIGHWAY 138



DESCRIPTION: Applicant is petitioning to request the removal of existing commercial use restrictions that apply to the property. Applicant recently purchased the ~3.5 acre HC (Heavy Commercial) zoned parcel and has relocated their existing landscaping, snow removal, and pool / hot tub installation and maintenance business (Recreational Concepts) to the property. The existing use restrictions are partially in conflict with the full scope of their business operation, as they do not technically allow for retail sales of swimming pools and related equipment.

OBSERVATIONS: The property is located near the intersection of US Highway 14 and State Highway 138. Existing use of the property is commercial. Surrounding land uses include agriculture / open space and agricultural business. No new development is proposed.

TOWN PLAN: The property is located in the town’s commercial planning area.

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

STAFF: The existing commercial use restrictions were imposed in 2014 following action on zoning petition #10674 (see restrictions at left).

Town plan policies seek to limit the scope of commercial uses to those compatible with the town's rural atmosphere and overall land use planning goals and objectives. The town has traditionally utilized conditional zoning for commercial zoning requests. Placing limitations on the types and intensity of commercial uses provides an opportunity for the town and county to review future proposals to ensure they are appropriate for the neighborhood and consistent with town plan goals, objectives, and policies.

1. Uses of the C-2 zoned property shall be limited to the following:
 - a. Sales, rental and leasing, repair and service of new and used agricultural and landscaping implements and equipment;
 - b. Sales, rental and leasing, repair and service of new and used lawn and garden equipment;
 - c. Sales, rental and leasing, repair and service of new and used contractor's machinery, equipment and vehicles used in the operation of the business;
 - d. Sales, rental and leasing, repair and service of new and used recreational equipment;
 - e. Rental and leasing of new and used items not listed above;
 - f. Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy;
 - g. Storage and repair of equipment and materials related to a landscaping business including but not limited to lawn care, snow removal, landscape contracting and sifting and re chopping of landscape materials;
 - h. Retail of landscaping, lawn care, snow removal and landscape maintenance and design materials including nursery plants;
 - i. Property landscape improvements and outdoor display to include but not be limited to, decorative rock and pavers, plantings, fencing and water features.
2. All outdoor equipment storage areas and outdoor material storage areas shall be screened from view at street level.
3. All outdoor lighting shall be downward shining.
4. There will be a recorded 33 foot wide easement in favor of the Town along the entire east side of the parcel for a possible future road.
5. The owner of the parcel will be responsible for a share of the cost of construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
6. Access to that future road shall replace the driveway to the property on State Highway 138.

It also provides an opportunity to address issues related to safe ingress/egress, stormwater management, or any other infrastructure improvements that may be necessary to accommodate the use(s).

The town of Rutland has conditionally approved the petition. Staff recommends the deed restrictions be amended as follows (note that the list below includes the town's conditions):

1. Uses of the HC (Heavy Commercial) zoned property shall be limited to the following:
 - a. Retail Store featuring Outdoor and indoor recreational equipment (pools, hot tubs, chemicals, furniture, grills, fireworks)
 - b. Landscaping
 - c. Concrete work
 - d. General construction
 - e. Snow plowing
 - f. Outdoor storage (pools, materials, plants)
 - g. Pool Display with fence, deck etc (in grass area in front of building)
 - h. Outdoor showroom and displays
 - i. Service recreational equipment
 - j. Service trucks and equipment (owners own)
2. Prohibit the installation of off-premises (billboard) signage.

TOWN: Approved with conditions (included in staff recommendations, above).