



# Staff Report

Public Hearing: **April 28, 2015**

Petition: **Rezone 10830  
CUP 2312**

Zoning Amendment:  
**A-1 Agriculture and R-3A  
Residence to R-3 Residence and  
R-2 Residence to A-1 Agriculture**

Town/sect:  
**Springdale  
Section 34**

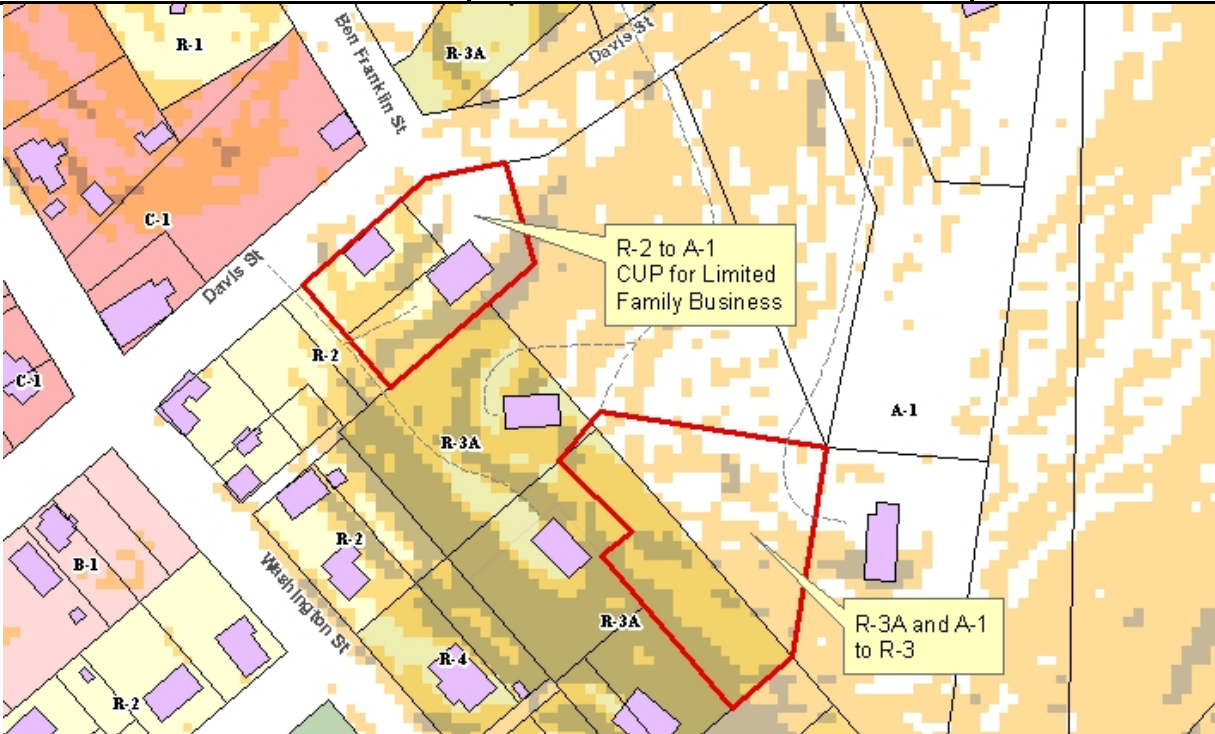
Acres: 0.6, 0.5, and 0.4  
Survey Req. Yes

Applicant  
**William K Garfoot  
James Nicholson**

Reason:  
**Shifting of property lines between  
adjacent land owners  
CUP: Allow Landscape Business  
(limited family business)**

Location:  
**West of 8593 Davis St  
and 8623 Davis Street**

Zoning and Land Regulation Committee



**DESCRIPTION:** The applicant would like to expand an existing parcel of record in order to accommodate the construction of a single-family residence and on-site septic system. Also, the adjacent neighbor would like to bring his existing property and land use into conformance with current zoning regulations.

**OBSERVATIONS:** The properties are part of the Byam's Addition Subdivision that was platted in 1852. The properties contain slopes of approximately 12 to 15% grade. No other sensitive environmental features observed.

During the initial review, an illegal land division was discovered which expanded the Nicholson parcel. It was also discovered that Mr. Nicholson has been operating a landscape business on the property as well. Please note that no complaints were ever lodged on the business operation. The proposal will bring the discovered violations into conformance with current regulations.

**TOWN PLAN:** The proposal borders the Residential Development Area and the Agriculture/Low Density Area as note on the Town's Land Use Map. The housing density is being reduced by one unit due to the requested "down zoning" from duplexes (R-3A) to single-family residence (R-3) zoning district.

**RESOURCE PROTECTION:** The properties are located outside the resource protection area.

**STAFF:** The proposal meets the dimensions standards of the zoning districts. Staff is suggesting 8 conditions be place on the proposed conditional use permit.

**TOWN:** Zoning Petition: Approved as presented  
Conditional Use Permit: Approved with 11 conditions.

## Proposed Conditional Use Permit # 2312

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 landscaping, lawn care and snow plow business.
2. The business shall be conducted within the existing 2400 square foot accessory building. The building shall not be expanded; and no improvements of plumbing and office space shall be added.
3. The hours of operation shall be Monday through Friday, from 7:30 a.m. to 4 p.m.
4. Outside loudspeakers are prohibited.
5. Outside signs are prohibited.
6. All employees except one or one full-time equivalent, shall be a member of the family residing on the property.
7. The conditional use permit shall become null and void upon sale of the property to an unrelated third party.
8. No customers shall conduct business at the site. No retail sales shall be conducted on the property.
9. Up to three trucks and three trailers, not to exceed 16' in length, shall be parked on the property.
10. No open burning of material brought in from job sites shall be permitted.
11. Outdoor lighting, except for required security lighting, 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.

Note: On 6/1/2015, the calculation of the number of employees is based on information reported by J. Nicholson: J. Nicholson lives on the site and is the co-owner. His brother lives off-site and is co-owner. His brother comes to the site approximately 3 hours/week. One non-family member lives off-site and comes to the site approximately 2 hours/week. The total number of hours per week worked by employees who do not reside on the premises is 5 hours/week.