
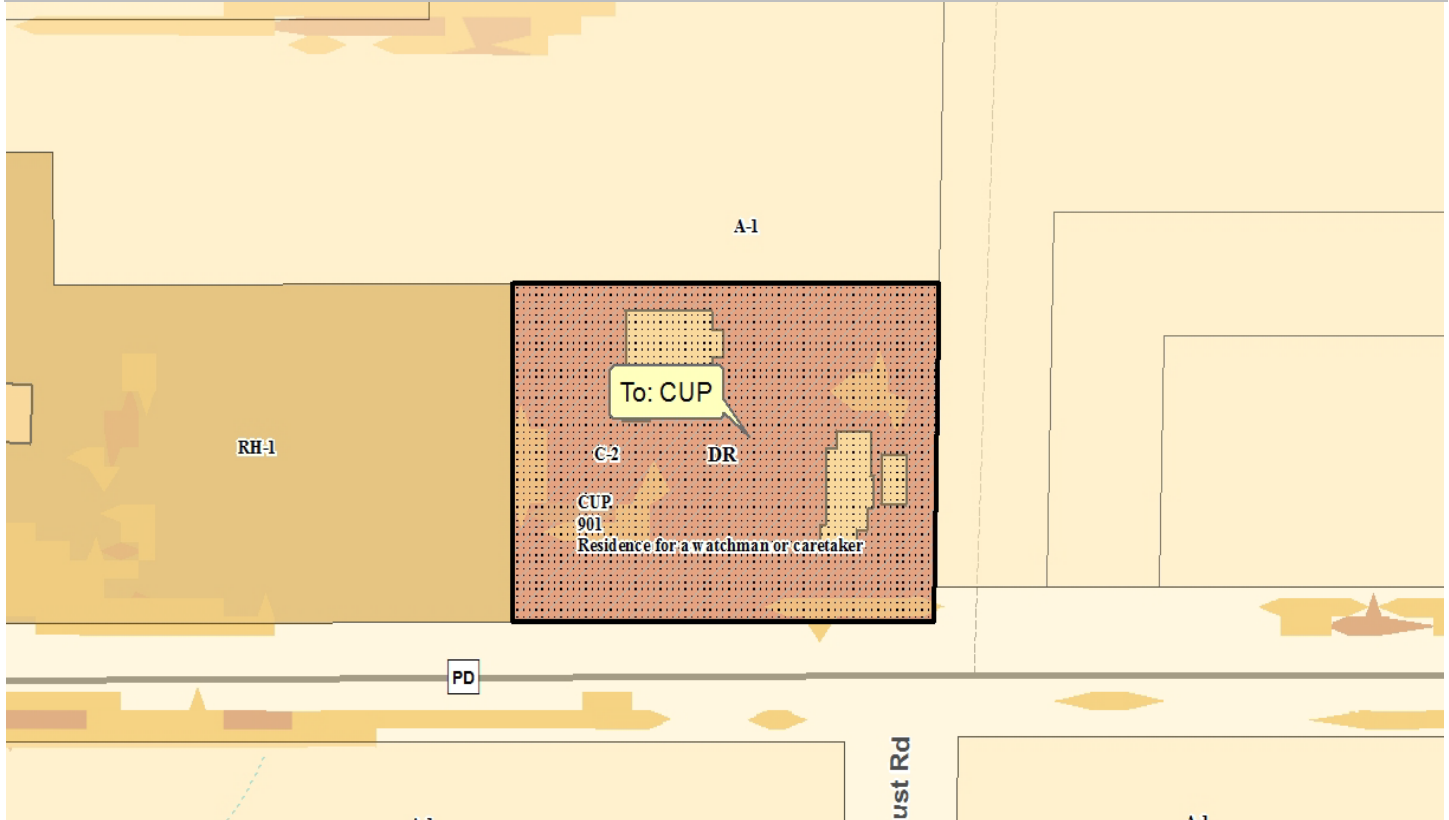


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p> <p>Questions? Contact Roger Lane at 266-9078</p>	<p><i>Public Hearing:</i> November 26, 2019</p>	<p>CUP 02488</p>
	<p><i>Zoning Amendment Requested:</i> TO CUP: VEHICLE REPAIR OR MAINTENANCE SERVICES</p>	<p><i>Town/Section:</i> SPRINGDALE, Section 12</p>
	<p><i>Size:</i> 1 Acre <i>Survey Required:</i> No</p>	<p><i>Applicant:</i> SEESHELL PROPERTY LLC</p>
	<p><i>Reason for the request:</i> VEHICLE REPAIR OR MAINTENANCE SERVICES</p>	<p><i>Address:</i> 7984 COUNTY HIGHWAY PD</p>



DESCRIPTION: The Town of Springdale has submitted a conditional use permit application on behalf of the landowner. The Town would like to ensure that the property has compatible approvals after the Town adopts the new County zoning ordinance. The Town will be assigning the zoning classification of GC- General Commercial as part of the new zoning adoption. Auto repair businesses are listed as a conditional use within this district. The conditional use permit will make the existing auto repair business an allowable use rather than a non-conforming use.

CONDITIONAL USE PERMIT PROCESS: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of the conditional use permit.

The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met.

The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable and measurable. The zoning committee must find that all the following general standards for approval are met for the proposed conditional use:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- b. That 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;
- c. That 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.

RELEVANT FACTS & INFORMATION

Location, size, existing use and characteristics of subject property: The 1-acre property is located approximately 2.5 miles west of the City of Verona along County Highway PD. The property has been use for various small commercial operations for 35 years. The property was changed to commercial use in 1984 for the storage of contractor’s machinery. In 1991, the zoning of the property was changed to C-2 Commercial to correct a zoning violation to allow an auto repair business which was started without approvals. Deed restrictions were placed on the property to limit the operations of the business. In 2017, those deed restrictions were amended in order for a new owner to expand the auto repair business. There is an existing residence on the property which acts as a watchmen/caretaker residence.

Current zoning and applicable district regulations: The current zoning is C-2 Commercial and deed restricted limiting the land use exclusively to an auto repair business. When the Town adopts the new County zoning ordinance, the property will be assigned the zoning district classification of GC-General Commercial. Auto repair and maintenance services are listed as a conditional use in the district.

Surrounding land uses / neighborhood: The property is located in a rural residential area consisting of single family homes on 5-acre lots. The nearest residence is approximately 350 feet away from the business. The existing landscaping provides adequate screening between the residential and commercial area.

Utilities, access, drainage, and other necessary site improvements: The property is accessed from County Highway PD. The new owner has recently constructed an addition to the building and expanded the parking area. All improvements are existing and functioning. No additional improvements are needed or planned.

TOWN / COUNTY PLAN: The Town of Springdale Comprehensive Plan designates the property as a commercial development area. The plan policies limit commercial activity to small supportive services which benefit the surrounding community. The Town plan discourages C-2 (HC) or M-1 (MI) zoning due to the intensity of the land uses being incompatible with the character of the Town.

STAFF ANALYSIS: The property has been used for commercial activity for 35 years and appears to be an accepted land use in the area. In 2017, approvals were granted to expand the auto repair business. As part of the approvals, limitations were placed on the property. The limitations appear to address the 8 standards for granting a conditional use permit. Staff suggests that the same limitations be placed on the property as part of this conditional use permit.

STAFF RECOMMENDATIONS:

1. The business shall be limited to an automotive repair shop with up to 20 vehicles on site (including personal vehicles and loaner vehicles for customers).
2. The sale of vehicles shall be prohibited.
3. The proposed building, parking, landscaping, etc. shall conform to the submitted "Turn Two Auto Repair Site Plan" dated 11/02/2015.

4. Retail sales shall be prohibited except for incidental sales to automotive repair customers.
5. The hours of operation shall be 8 a.m. to 5:30 p.m., Monday - Saturday.
6. The number of employees shall be limited to six employees, not including the owner.
7. Outside storage of materials and vehicles is prohibited except for vehicles listed in #1 above.
8. Sustained outdoor activities are prohibited.
9. All new lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance.
10. Outdoor speakers are prohibited.
11. Signage shall be limited to an area approximately 2 x 14 along the face of the rock wall where individual letters will be mounted.
12. Two dumpsters for the proper disposal of recyclables and trash shall be placed between the existing building and the proposed parking area.
13. The existing residence on the property shall remain for single-family dwelling use for a watchman or caretaker.
14. The conditional use permit shall remain in effect until such time as the auto repair business is abandoned or terminated for a period over 3 years.

TOWN: The Town Board approved the conditional use permit with the listed conditions.