



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **August 28, 2018**

Petition: **Petition 11315
CUP 02430**

Zoning Amendment:
C-2 Commercial District to LC-1 Limited Commercial District and A-2 (1) Agriculture District to LC-1 Limited Commercial District

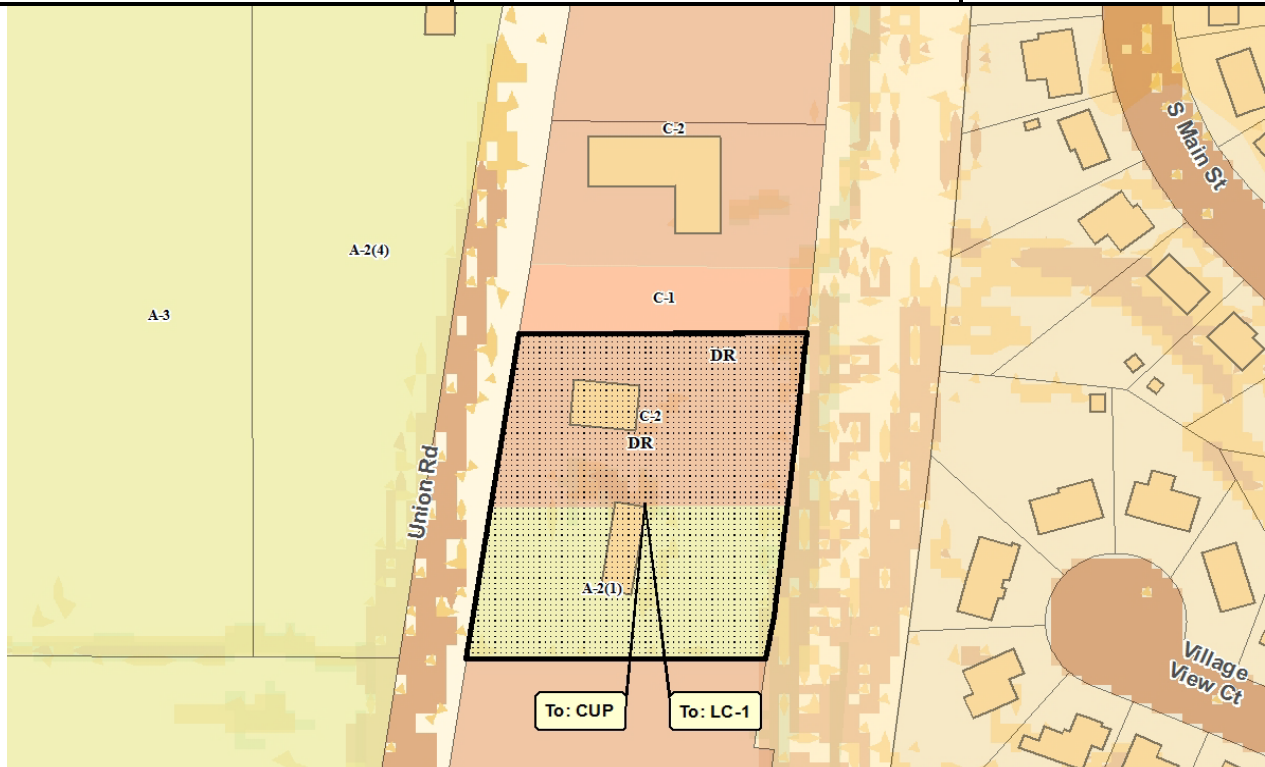
Town/sect:
Oregon, Section 13

Acres: 1.2, 1.1
Survey Req. Yes

Applicant
Benjamin M. Johnson

Reason:
Downzone deed restricted commercial zoning to a limited commercial district for a landscaping business; CUP for a single-family residence for the owner/caretaker

Location:
1088 Union Road



DESCRIPTION: The landowner would like to rezone an existing 3.3-acre surveyed lot (CSM 4294), currently with a mix of C-2 and A-2(1) zoning, to a single zoning parcel in the LC-1 Limited Commercial district to allow for a landscaping business. The landowner is also applying for a conditional use permit (CUP) for a residence for an owner or caretaker for the existing home on the property.

OBSERVATIONS: The existing C-2 zoning is deed restricted and limited to general contracting services. The proposed LC-1 Zoning District does not permit the outside storage of materials or the parking of more than 12 vehicles outside unless a conditional use permit is obtained for those activities.

TOWN PLAN: The property is within a Commercial planning area in the *Town of Oregon / Dane County Comprehensive Plan*. Commercial development must meet town/county plan standards for noise, traffic, lighting, odor, parking, outdoor storage, signage, landscaping and stormwater. The proposed use appears consistent with these standards.

RESOURCE PROTECTION: There are no mapped resource protection corridors on the property.

STAFF: Recommend approval of Petition 11315 with no conditions (see recommended conditions for CUP 2430 below).

TOWN: The Town Board approved the Zoning Petition with no conditions.
The Town Board approved the Conditional Use Permit with no conditions.

Staff Report for Conditional Use Permit 2430

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 conditional use permit allow for the business owner's residence. The residence shall be occupied by the owner of the business. Rental of the residence shall be prohibited.
2. On-site sanitary system shall be in compliance with Dane County Code of Ordinances Chapter 46, Private Sewage Systems.