
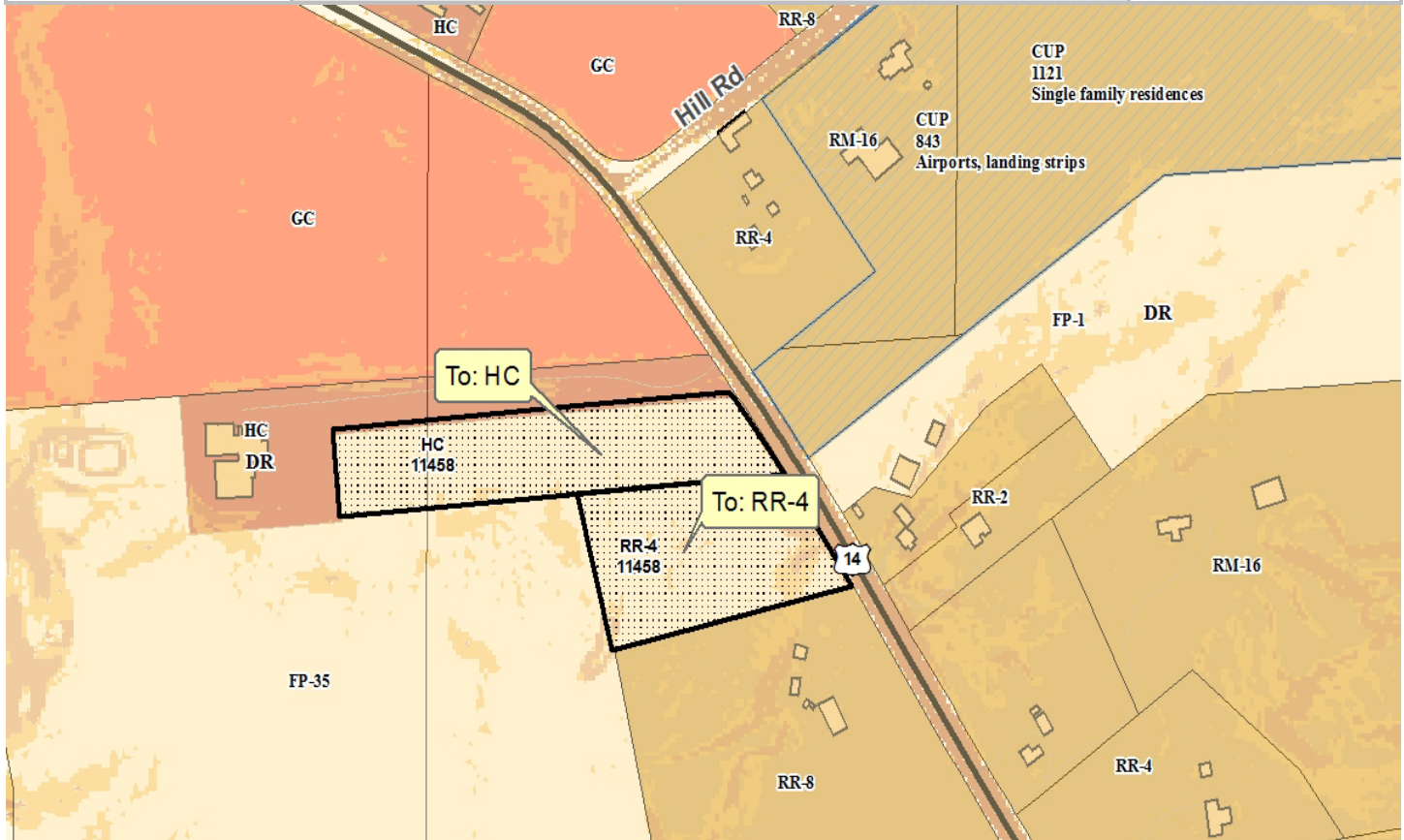


<p>Staff Report</p>  <p>Zoning and Land Regulation Committee</p> <p>Questions? Contact Majid Allan at 267-2536</p>	<p><i>Public Hearing:</i> August 27, 2019</p>	<p>Petition 11458</p>	
	<p><i>Zoning Amendment Requested:</i></p> <p>FP-35 (General Farmland Preservation) District TO RR-4 (Rural Residential, 4 to 8 acres) District, FP-35 (General Farmland Preservation) District TO HC (Heavy Commercial District)</p>	<p><i>Town/Section:</i></p> <p>RUTLAND, Section 7</p>	
	<p><i>Size:</i> 4.23, 4.87 Acres</p>	<p><i>Survey Required:</i> Yes</p>	<p><i>Applicant</i></p> <p>BUCKYS PORTABLE TOILETS, INC.</p>
	<p><i>Reason for the request:</i></p> <p>ADDING LAND FROM HIS FP-35 DISTRICT TO HIS COMMERCIAL DISTRICT (FOR SIGN ALLOWANCE). ALSO, USING 4.23 ACRES OF FP-35 DISTRICT FOR A HOME SITE.</p>		<p><i>Address:</i></p> <p>LANDS SOUTH OF 1185 US HWY 14</p>



DESCRIPTION: The applicant proposes to create one new ~4-acre rural residential parcel on which to build a new residence and to also expand the size of the existing commercial zoning area on the property from 5.2 acres to 10.1 acres. The applicant is owner/operator of Bucky’s Portable Toilets. The RR-4 parcel would be defined as a separate parcel by Certified Survey Map (CSM), whereas the HC zoning area would remain as just a zoning lot on the owner’s ~65-acre property. The additional 4.87 acres of HC zoning is being requested so that a sign can be erected for the business on the property.

OBSERVATIONS: Existing uses of the property are open space and commercial (Bucky’s Portable Toilets). Surrounding land uses include scattered rural residences and open space. A private airport is located to the northeast across US Highway 14. No sensitive environmental features are observed on the property.

TOWN PLAN: The property is located in the town’s commercial area and farmland preservation area.

RESOURCE PROTECTION: No resource protection corridors are located on the property.

STAFF: As indicated on the attached density study report, the property remains eligible for 2 possible splits. The proposed residential parcel would count as a split, leaving one remaining. Access to the residential parcel would be via the existing driveway onto US Highway 14. There are no plans for structural development on the expanded commercial zoning area at this time.

The commercial zoning area is subject to deed restrictions limiting the range of commercial uses that can occur on the property, along with limits on the number of businesses that can operate on the property, and signage.

The proposal appears reasonably consistent with town plan policies.

AUGUST 27, 2019 ZLR COMMITTEE PUBLIC HEARING: The petition was postponed due to no town action.

STAFF UPDATE: The town board has recommended approval of the petition subject to the same conditions as the existing HC zoned area, along with an allowance for *Personal or Professional Service* to allow the applicant to operate a personal training facility on the property. The town action also includes a condition to allow a sign for the business to be erected on the HC zoned property at the road. The town also notes that the proposed RR-4 parcel uses one of the two splits allowed.

Staff recommends approval be conditioned on the following existing deed restrictions being recorded on the expanded 10.1-acre HC commercial zoning area (note the list incorporates the town action).

1. Land Uses shall be limited to: portable toilet rental business; outdoor storage of portable toilet units in designated area (behind the existing building at the rear of the property at 1185 US Highway 14); offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; and repair of lawn and garden equipment; personal or professional service (ex. gym/personal training/crossfit/rehab).
2. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini-warehousing).
3. There shall be a maximum of 4 businesses operating on the property.
4. Division of property through a condominium plat is prohibited.
5. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.

TOWN: Approved with conditions (see attached town board action report). Note that town conditions have been included in the staff recommendation, above.