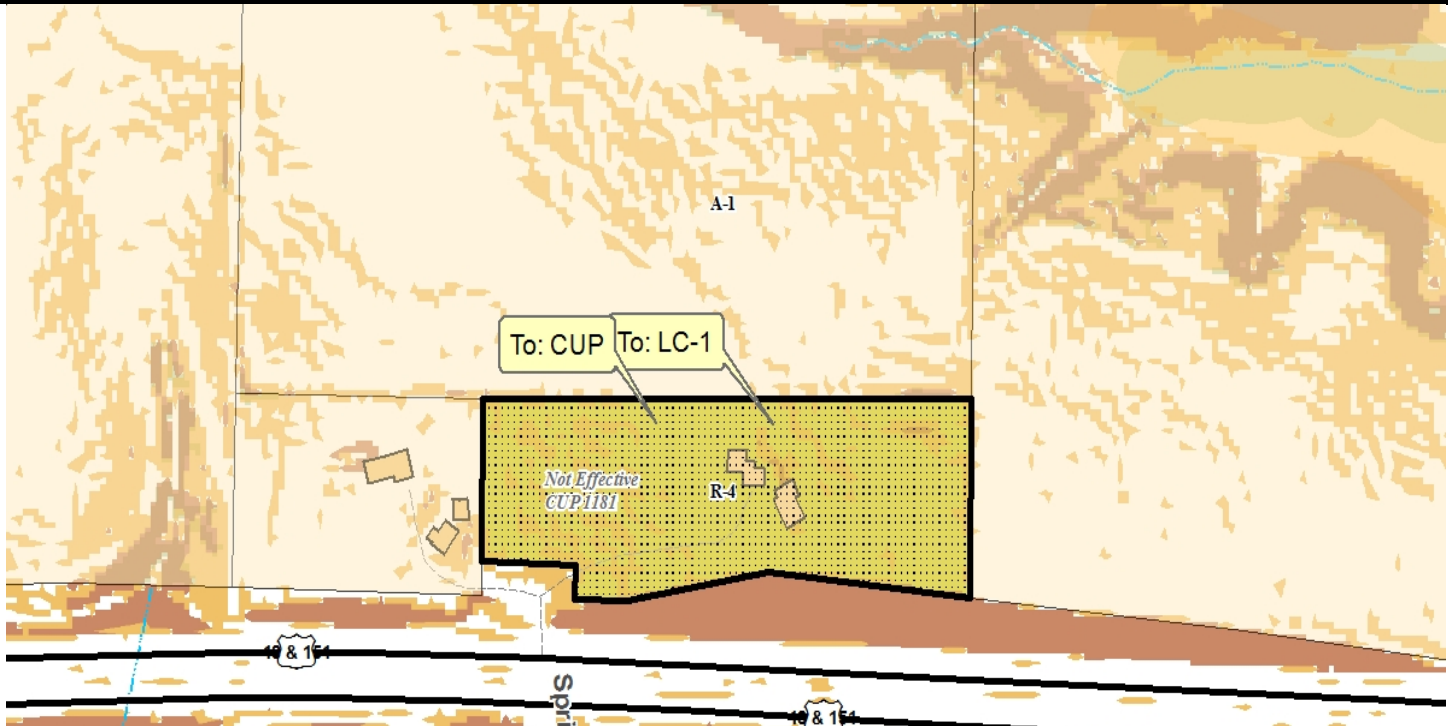




Staff Report

Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 28, 2017	<i>Petition:</i> Rezone 11115 CUP 2376
	<i>Zoning Amendment:</i> R-4 Residence District to LC-1 Limited Commercial District	<i>Town/sect:</i> Springdale Section 13
	<i>Acres:</i> 5.9 <i>Survey Req.</i> No	<i>Applicant</i> Christopher W Miller
	<i>Reason:</i> Zoning change to allow a Landscaping business CUP Description: Residence for owner of the business	<i>Location:</i> 8096 US Highway 18 & 151



DESCRIPTION: The applicant, Brett Myers, would like to purchase the property and convert one of the single-family residences into an office for his landscape business. The other existing residence would be used as the business owner's residence.

OBSERVATIONS: The property is located along US Highway 18/151. The property currently has two single-family residences on the property. The conversion of the secondary house into an office will bring the property into conformance with zoning regulations. No sensitive environmental features observed.

STATE HIGHWAY DEPARTMENT: The department found that the existing access to the site is acceptable.

TOWN PLAN: The property is located in an existing residential development area. The town plan promotes small family run businesses.

RESOURCE PROTECTION: The property is outside the resource protection area.

STAFF: The proposal meets the standards of the zoning district and appears to be consistent with Town Plan policies.

3/28 ZLR: The petitions were postponed due to no town action and public opposition. The neighbors expressed concerns regarding night activity and the dangers of ingress/egress to the property.

TOWN: Zoning petition: Approved with restrictions.
Conditional Use: Approved with condition.

STAFF UPDATE: The Town conditions appear to address the neighborhood concerns.

ZONING: Staff suggests that a deed restriction be placed on the property limiting the land uses in the LC-1 Limited Commercial Zoning District to a lawn maintenance and snow plowing business. The business activity shall be limited to the conditions noted under CUP 2376.

CUP: Staff suggests the 14 conditions as stated below.

Proposed Conditional Use Permit # 2376

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 LC-1 use shall be limited to a lawn maintenance and snow plowing business conducted off-site. It is a service oriented business with no manufacturing, assembly of products on the premises.
2. The Hours of Operation shall be Monday – Saturday, 7 a.m. – 7 p.m. during lawn maintenance season and as needed during snow plowing season.
3. The number of employees is 4, not including the resident/co-owner residing on the property. The number of hours each employee shall spend on site is 5 hrs./week to arrive to pick up equipment and supplies at the start of the day and to return equipment and supplies at the end of the day. (Four employees on site no more than 5 hours a week per employee = 20 hours a week of on-site activity.)
4. No retail sales shall be conducted on the property.
5. Outside amplification of sounds is prohibited.
6. Signage is prohibited.
7. All outside lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance. (All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixture shall be full cut-off fixtures which prevent upward transmission of light. All night photo cell controlled lighting shall not be permitted, however, motion controlled and switch controlled security lights are acceptable.)
8. Outside storage of materials shall be shielded from visibility from the highway and from the residence to the West. Road salt stored outside shall be limited to 5 yards of salt, stored in such a manner to prevent soil infiltration and/or run-off and in compliance with DNR standards.
9. Debris from job sites shall be disposed of off-site and burning on-site is prohibited.
10. All equipment shall be stored inside the accessory buildings. (The equipment consists of 2 pick-up trucks, 2 trailers, 2 riding lawnmowers, 2 skid loaders, 2 plows, 2 salt boxes, 1 dump trailer and several snow blowers.)
11. The existing natural vegetative screening between this lot and the neighbor to the West shall be maintained.
12. All employee vehicles, not to exceed 4 vehicles, shall be parked as close to the outbuilding as possible.
13. The existing second residential-like structure on the lot shall be office space; at no point shall it be used as a residence.
14. Architectural review and approval by the Springdale Plan Commission shall be required for any proposed improvements to the lot, and shall include review of the exterior appearance, design, size and character of the proposed improvements, including parking facilities. The improvements shall enhance the rural quality of life throughout the town.