

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **March 26, 2019**

**Petition 11390
CUP 02462**

Zoning Amendment Requested:

**FP-35 General Farmland Preservation District TO LC Limited
Commercial District**

Town/Section:

DEERFIELD, Section 12

Size: **4.2 Acres**

Survey Required: **Yes**

Applicant

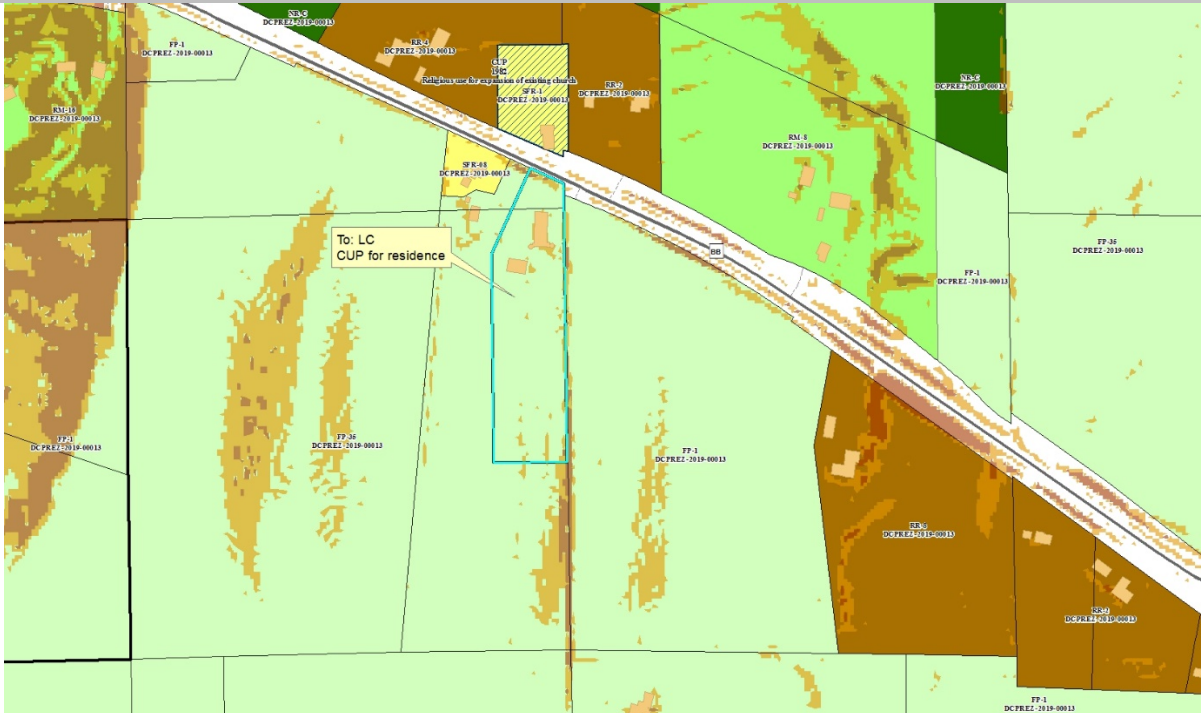
RUSSELL J POHLMAN

Reason for the request:

**Creation of a building site and small business (trucking)
TO CUP: Single family residence for a caretaker or owner of the
business and Outdoor Storage**

Address:

**131 COUNTY
HIGHWAY BB**



DESCRIPTION: Applicant proposes to create a 4.2 acre LC - Limited Commercial parcel for operation of a small trucking business and requests a Conditional Use Permit to allow a residence for the business owner. The new LC lot would encompass a couple of existing accessory buildings on the property.

OBSERVATIONS: Surrounding land uses include agriculture / open space and scattered rural residences.

DANE COUNTY HIGHWAY: County Highway BB is not a controlled access highway. Any changes in land use require a new access permit from the Highway Department.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: No areas of resource protection corridor located on the property.

STAFF: As indicated on the attached density study report, the original farm property remains eligible for two possible splits for nonfarm development. If the petition is approved, one possible split will remain available. The proposal appears reasonably consistent with town plan policies.

Staff recommends that the property be deed restricted to limit commercial uses exclusively to a trucking business involving no more than 4 semis / tractor trailers.

3/26 ZLR: The Committee postponed action due to no Town action.

TOWN: The Town Board approved the Zoning Petition with no conditions. The Town Board also approved the Conditional Use Permit conditioned upon a maximum of 12 vehicles being stored outside.

Zoning Petition: The proposal meets the dimensional standards of the zoning district and appears to be consistent with the Town Comprehensive Plan policies.

Conditional Use Permit: The proposed residence does not produce significant nuisances and may complement the existing business. The Town has placed a limitation on outdoor storage of vehicles to reduce the potential of an industrial looking site. Staff has suggested 4 conditions regarding the residence and outdoor storage listed below.

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:

- 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.

Staff has prepared a list of conditions that may be used in order to meet the 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. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
2. This Conditional Use Permit for a residence for the business owner shall expire if/when a commercial use ceases to be operated on the property. Upon expiration of the Permit, the property shall be rezoned to an appropriate zoning category to bring the single family residence into zoning compliance.
3. Rental of the residence is prohibited.
4. There shall be a maximum of 12 vehicles or pieces of equipment stored outside.