



Staff Report

Public Hearing: April 24, 2018

Petition: **Petition 11269**
CUP 02415

Zoning Amendment:
RH-2 Rural Homes District TO A-2
(4) Agriculture District

Town/sect:
RUTLAND, Section 20

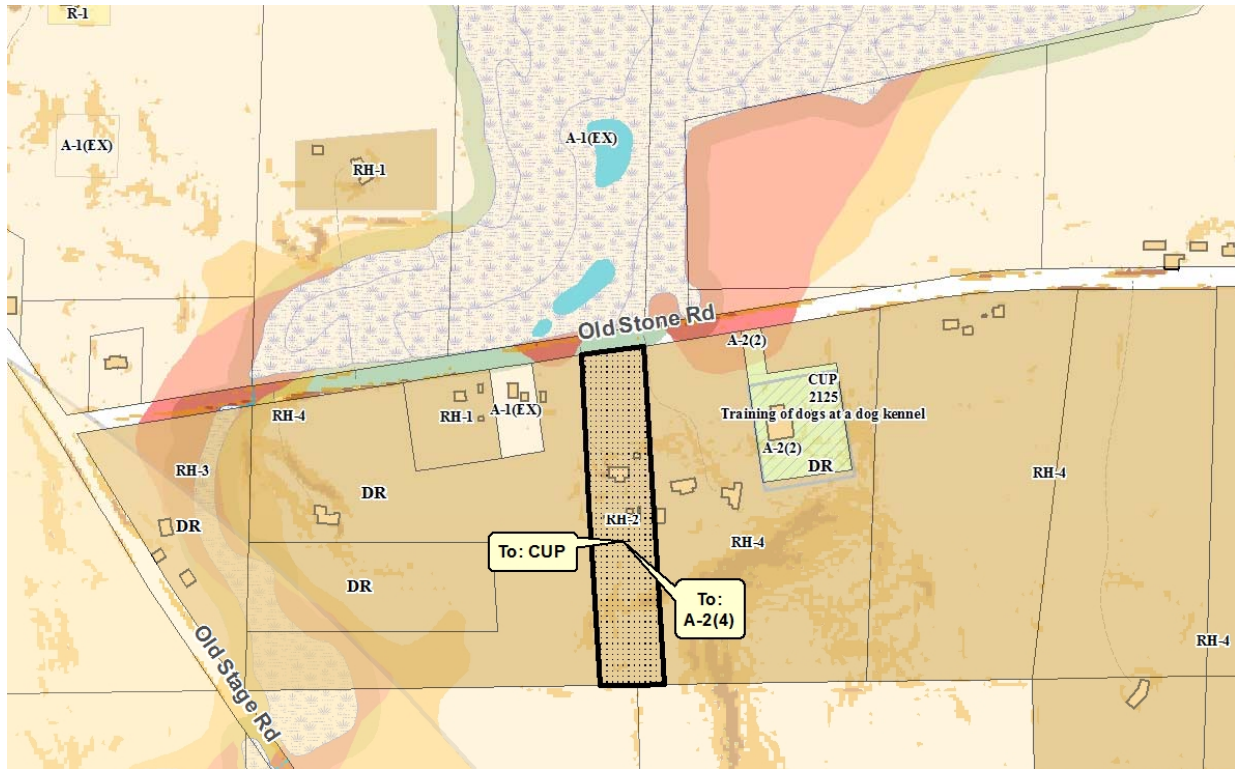
Acres: 5.58
Survey Req. No

Applicant
DAVE TOOTHMAN

Reason:
TO CUP: SALVAGE RECYCLING
CENTER COMING INTO
COMPLIANCE

Location:
4365 OLD STONE
ROAD

Zoning and Land Regulation Committee



DESCRIPTION: Applicant is requesting approval of A-2(4) zoning with a Conditional Use Permit for a salvage recycling center in order to resolve an outstanding zoning violation on the property. Zoning staff conducted an inspection of the property and documented the presence of numerous inoperable vehicles and other junk / debris being stored on the property. The owner has indicated that the site has been used as a salvage recycling center since 1977. The proposed rezoning and CUP would bring the use into compliance with zoning regulations.

OBSERVATIONS: Surrounding land uses include several rural residences, a dog kennel / boarding operation (Old Stone Pet Lodge), and agriculture/open space.

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. An intermittent stream with associated floodplain and wetland is located just north of Old Stone Road.

STAFF: Town plan policies include allowances for small-scale, "rural-oriented" businesses that provide services needed by town residents and which are consistent with agricultural preservation policies. Town policies encourage buffers between commercial and non-commercial land uses. There are existing tree lines separating the property from the two adjoining properties to both the east and west. See page 2 for staff recommended conditions of approval for the CUP.

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

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. This Conditional Use Permit is for a salvage recycling center.
2. Outdoor storage of salvage materials, merchandise, vehicles and equipment shall be done in a manner that does not impede vehicular access from the single family home to Old Stone Road.
3. Outdoor storage areas shall be maintained in an orderly manner that enables vehicle and equipment circulation around the property.
4. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.
5. No hazardous materials or liquids may be stored on the property.
6. No business signage shall be permitted.
7. This conditional use permit shall automatically expire upon sale of the property.