



Staff Report

Public Hearing: July 28, 2015

Petition: Rezone 10862
CUP 2321

Zoning Amendment:
**A-1 Agriculture District to C-2
Commercial District**

Town/sect:
**Burke
Section 23**

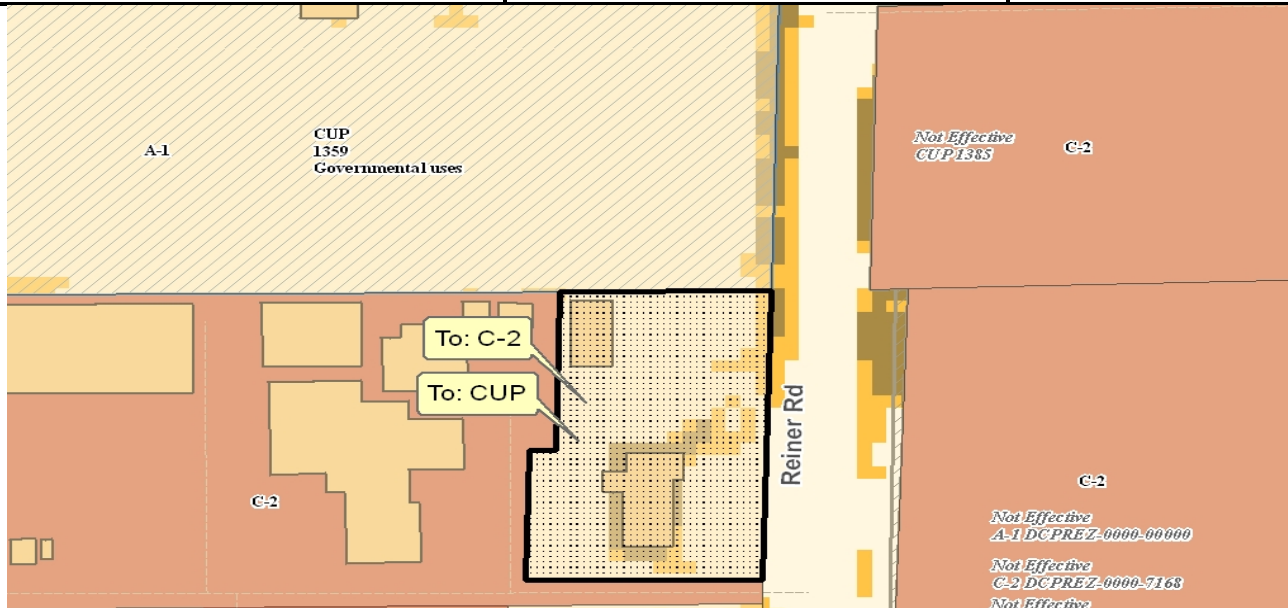
Acres: 0.85
Survey Req. No

Applicant
Jayson D Jones

Reason:
**Zoning compliance for existing
trucking company and residence
CUP Description: residence for a
caretaker or watchman**

Location:
5337 Reiner Rd

Zoning and Land Regulation Committee



DESCRIPTION: Applicant proposes C-2 zoning to allow construction of an accessory building on the property for storage of equipment / vehicles involved in the operation of “Burke Truck and Equipment”, a snow removal & equipment dealer located on the adjoining C-2 zoned property. A conditional use permit for a residence for the watchman or caretaker of the business is also requested to provide zoning compliance for the business owner’s existing single family residence on the property.

OBSERVATIONS: No sensitive environmental features located on the property.

VILLAGE/TOWN PLAN: The property is located in the town’s “rural residential” planning category. The property is also subject to city of Madison review under a cooperative planning agreement between the city of Madison and town of Burke. Under the cooperative plan, city review and approval of such proposals is required. The property will eventually become part of the city of Madison.

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

STAFF: Staff has contacted the applicant and staff from the town and city of Madison regarding city review of the petition under the town / city cooperative plan. Pending the town and city review of the proposal, staff recommends the following conditions of approval on the proposed rezoning: if the petition is approved, the property should be deed restricted to limit uses exclusively to the existing caretaker’s residence and the proposed new accessory building, with no outside storage of materials or equipment, and no off premises (billboard) signage. Attached are staff recommended conditions on the requested CUP for a residence for the watchman/caretaker of the business.

7/28 ZLR: Postponed due to no town action.

TOWN: Approved conditioned upon the use of the property being limited to a residence and a new residential accessory building. Billboard signs shall also be prohibited.

Staff Update: If approved, Staff suggests deed restricting the property to limit the land uses to a single-family dwelling and related residential accessory buildings. Commercial activities are prohibited on the property. The construction/erection of off-premise advertising (billboard) signs is prohibited on the property.

Proposed Conditional Use Permit # 2321

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 shall be for a residence for a watchman / caretaker of Burke Truck and Equipment.
2. The conditional use permit shall expire upon sale of the property to an unrelated third party, or at any time the residence ceases to be occupied by a watchman / caretaker of Burke Truck and Equipment.