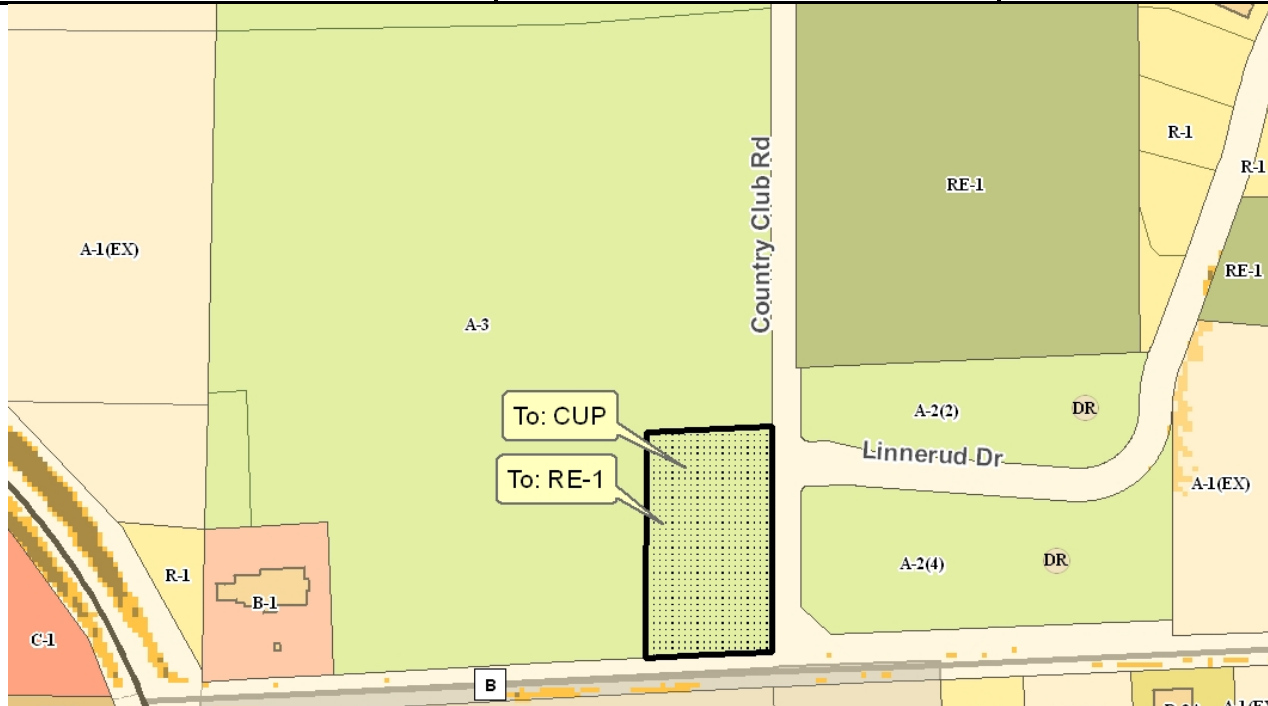




# Notice of Public Hearing

Zoning and Land Regulation Committee

<i>Public Hearing:</i> <b>January 27, 2015</b>	<i>Petition:</i> <b>Rezone 10804 CUP 2303</b>
<i>Zoning Amendment:</i> <b>A-3 Agriculture District to RE-1 Recreational District</b>	<i>Town/sect:</i> <b>Pleasant Springs Section 31</b>
<i>Acres:</i> 2 <i>Survey Req.:</i> Yes	<i>Applicant:</i> <b>Linnerud Farms LTD</b>
<i>Reason:</i> <b>Veteran's Memorial Park</b>	<i>Location:</i> <b>West corner of CTH B/Country Club Road intersection</b>



**DESCRIPTION:** Applicant proposes to create a new 2 acre parcel which would be donated to the American Legion for the creation of a Veteran's memorial.

**OBSERVATIONS:** The property is part of a larger farm tract, consisting of 100% class II soils.

**TOWN PLAN:** The property is in the town's "Highway Commercial" planning area.

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

**STAFF:** The proposal is consistent with town plan policies. See attached draft conditional use, which incorporates 5 of the town's 6 conditions on the CUP. Staff recommends that town condition #1 be required as a condition of rezoning approval.

**TOWN:** Approved with the following conditions:

1. The Parcel be deed restricted for no residential development.
2. Parking on the site be limited to no more than 50 spaces
3. Buildings on the property be limited to one 10 X 12 accessory building to be used exclusively to store the equipment necessary to maintain the park.
4. The rezone shall not require the loss of a split for the applicant with the condition the property be a donation. Applicant shall be required to provide evidence of the donation within 90 days of the property transfer. Failure to do so will nullify the rezone.
5. Applicant shall submit a final site plan to be reviewed and approved by the Plan Commission and Town Board.
6. A conditional use permit will be granted for the property to light any flags other than the American Flag with the condition the flags only be lit from dawn to dusk.

## Proposed Conditional Use Permit # 2303

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. Applicant shall submit a final site plan to be reviewed and approved by the Plan Commission and Town Board.
2. Applicant shall be required to provide evidence of the donation within 90 days of the property transfer. Failure to do so will nullify the rezone.
3. This conditional use permit allows for the lighting of any flags other than the American Flag with the condition the other flags only be lit from dawn to dusk.
4. Buildings on the property shall be limited to one 10' X 12' accessory building to be used exclusively to store the equipment necessary to maintain the park.
5. Parking on the site shall be limited to no more than 50 spaces.