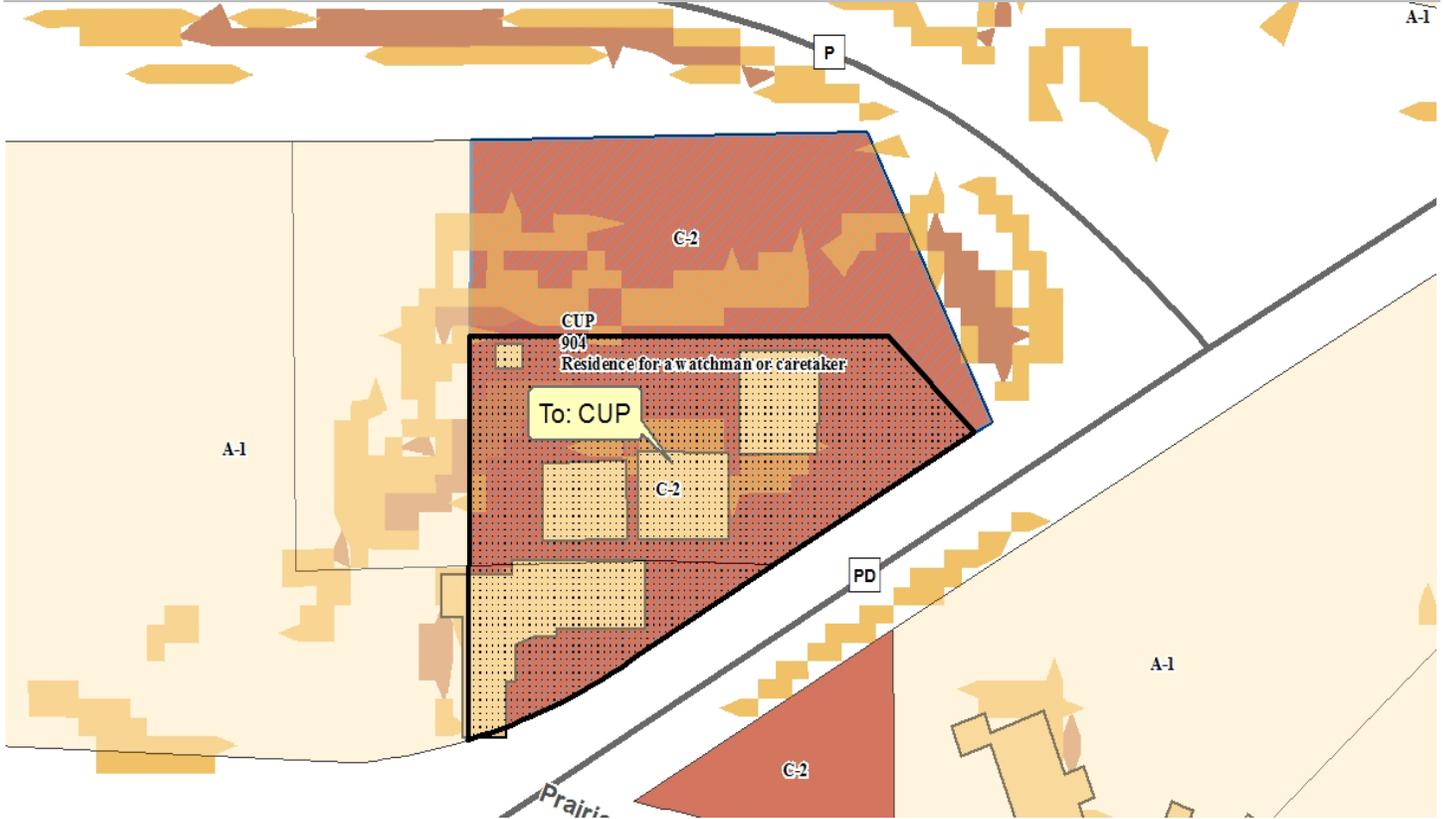


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> November 26, 2019		CUP 02487
	<i>Zoning Amendment Requested:</i> TO CUP: VEHICLE REPAIR OR MAINTENANCE SERVICE, OUTDOOR SALES		<i>Town/Section:</i> SPRINGDALE, Section 16
	<i>Size:</i> 1.1 Acres	<i>Survey Required:</i>	<i>Applicant:</i> ANDREA J & JAMES A MUELLER
	<i>Reason for the request:</i> VEHICLE REPAIR OR MAINTENANCE SERVICE, OUTDOOR SALES		<i>Address:</i> 8772 COUNTY HIGHWAY PD



DESCRIPTION: The Town of Springdale has submitted a conditional use permit application on behalf of the landowner to better accommodate an existing vehicle repair and used car sales shop under the new County zoning ordinance. Once the town adopts the new zoning ordinance on November 14, this property will be in the GC zoning district, which allows “vehicle maintenance and repair” and “outdoor sales” as conditional uses. If approved, CUP 2487 will bring the existing auto repair business and motor vehicle sales into compliance with the new GC zoning.

CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of the conditional use permit. The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable and measurable. The zoning committee must find that all the following general standards for approval are met for the proposed conditional 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.

OBSERVATIONS/FACTUAL INFORMATION:

Current zoning and applicable district regulations: In February of 1991, the Dane County Board approved Petition 4969, which rezoned 1.8 acres of this property to the C-2 zoning district, with a condition that the permitted uses are limited to uses permitted in the C-1 zoning district and to sales, repair and service of motor vehicles and recreational vehicles. With the Town of Springdale's adoption of the new county zoning ordinance on November 14, 2019, this property was zoned in the GC (General Commercial) Zoning district. GC zoning allows vehicle maintenance and service and outdoor sales as conditional uses. The town now seeks to bring the existing nonconforming uses into compliance with the new ordinance standards.

Surrounding land uses / neighborhood: The property sits at the southeastern corner of the intersection of County Highways P and PD, across CTH PD from the intersection with Prairie Ridge Road. The property is surrounded on three sides by road right-of-way. The surrounding area is a mix of Rural Mixed-Use, Rural Residential and Agriculture Transition zoning.

Utilities, access, drainage, and other necessary site improvements: No expansion of the existing vehicle maintenance and sales use is proposed. There is an existing driveway onto County Highway PD. Access, drainage and current utilities appear adequate for the current use.

TOWN PLAN: The *Town of Springdale / Dane County Comprehensive Plan*, originally adopted in 2000, supports small-scale commercial development that is compatible with the rural character of the town, but does not support intense commercial or industrial uses. The plan does not support new C-2 (HC under the new ordinance) zoning, and allows for C-1 (GC under the new ordinance) zoning only under specific circumstances. In order to promote better consistency with the town/county comprehensive plan, the town has sought to replace existing C-2 zoning with GC (General Commercial) zoning under the new zoning ordinance wherever possible. The plan also acknowledges the need to strike an appropriate balance between the public good and private property rights. Where possible, the town has sought, through town-initiated conditional use permits, to accommodate existing land uses and bring them into full compliance with the new zoning district.

RESOURCE PROTECTION: There are no mapped resource protection corridors on the property.

STAFF: Recommend approval with the condition that the vehicle maintenance and sales uses remain within the current footprint and consistent with the operation as it existed as of the date of approval of CUP 2487.

TOWN: On October 10, 2019, the Town of Springdale Board approved CUP 2487, with the condition that the use is limited to two conditional uses in the GC, General Commercial Zoning District: vehicle repair or maintenance services and outdoor sales, display or repair.

Questions? Contact Brian Standing at standing@countyofdane.com or 608-267-4115.