



Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: **December 13, 2016**

Petition: **Rezone 11078
CUP 2367**

Zoning Amendment:
**C-2 Commercial District to A-2(4)
Agriculture District**

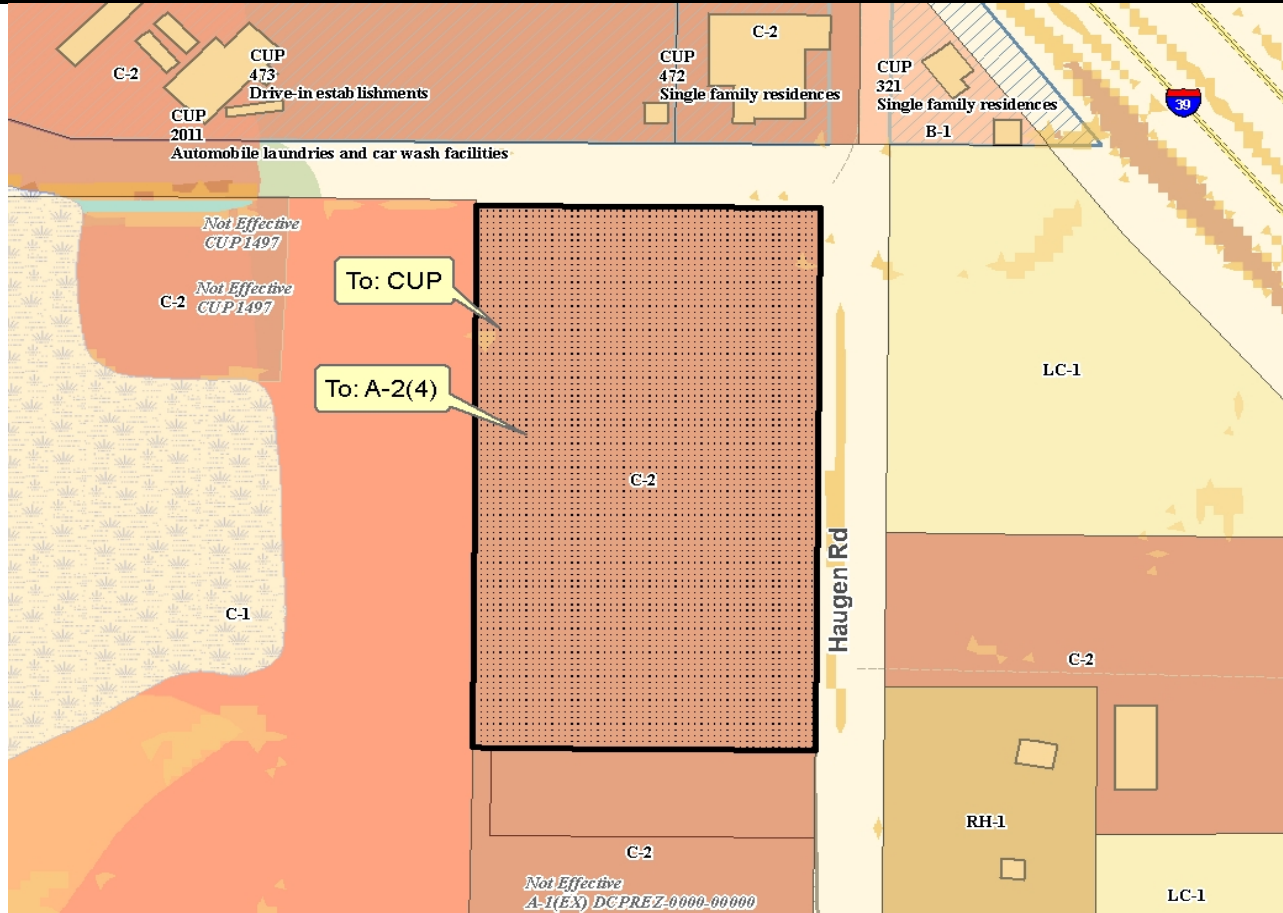
Town/sect:
**Albion
Section 27**

Acres: 5.2
Survey Req. No

Applicant
Jonathan J Halverson

Reason:
Concrete batch plant

Location:
**South of 410 Haugen
Rd**



DESCRIPTION: Applicant requests a rezoning from C-2 Commercial to A-2(2) Agricultural along with a Conditional Use Permit to allow operation of a concrete batch plant on the property. The property is currently vacant.

OBSERVATIONS: The property was rezoned to C-2 Commercial in 2005 with commercial land uses deed restricted to vehicle and truck repair / truck services and parking and storing of up to 30 motor vehicles. No such commercial use was subsequently established on the property. The property is currently farmed, and consists of 98% class II soils. No sensitive environmental features observed.

TOWN PLAN: The Town Plan designates that area as Existing and Near-Term Commercial (Retail and Services). The area is intended for retail commercial purposes and to support land uses that are geared towards highway services. The proposed concrete batch plant is an industrial land use and possesses many activities that would have a negative impact on neighboring retail uses (stockpiles, construction vehicles, dust, and noise). The proposal appears to be inconsistent with the approved land use plan for this area.

STAFF: Please see attached staff report for a detailed review of the proposal and staff recommendations.

TOWN: REZONING: The Town recommended denial of the zoning change.

CUP: The Town denied the conditional use permit.

Proposed Conditional Use Permit #2367

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 Update: The applicant has requested that the rezoning application and conditional use permit be withdrawn.