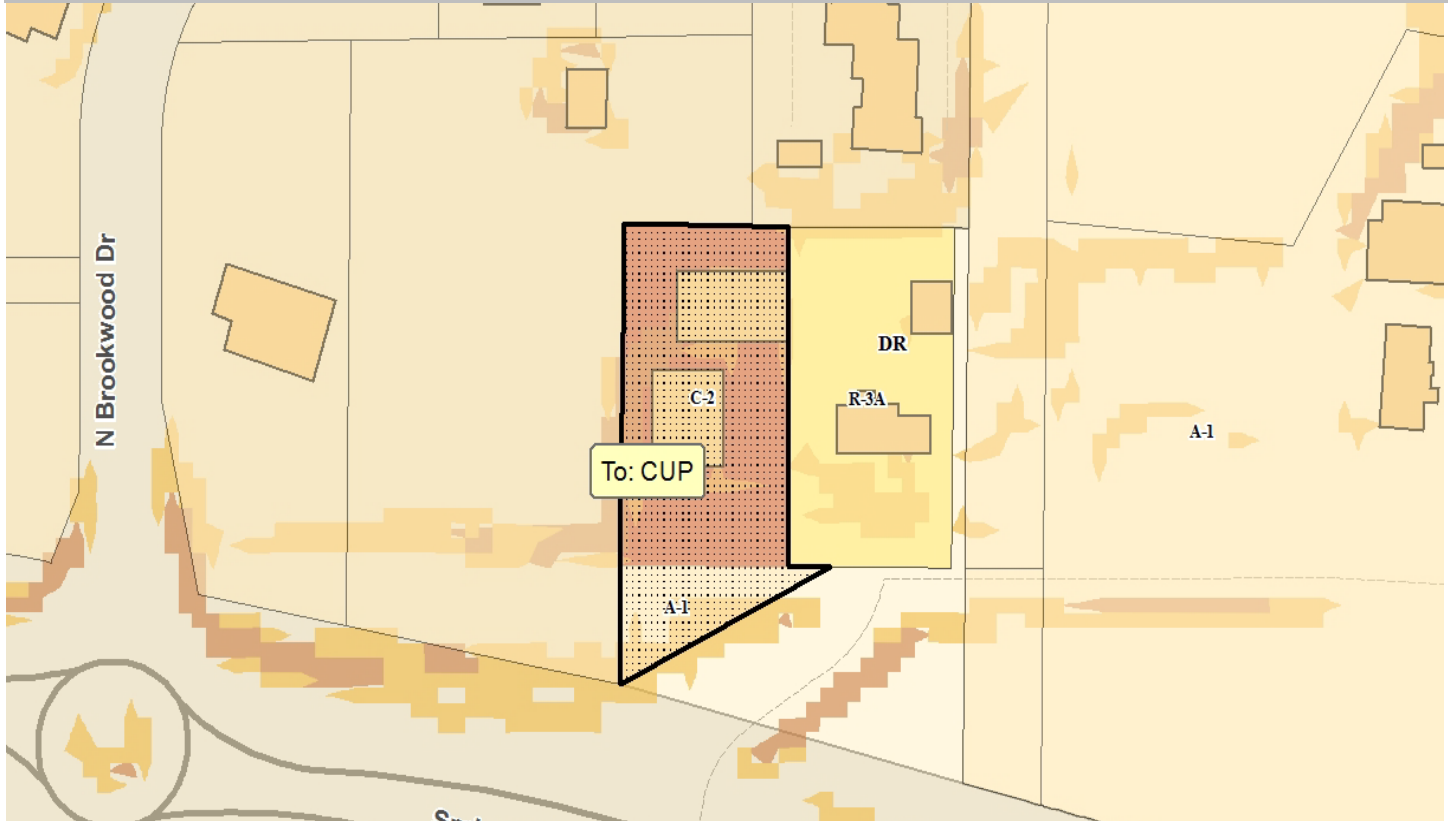


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>November 26, 2019</b>		<b>CUP 02484</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: VEHICLE REPAIR OR MAINTENANCE SERVICE IN GC ZONING DISTRICT</b>		<i>Town/Section:</i> <b>SPRINGDALE, Section 7</b>
	<i>Size:</i> <b>0.7 Acres</b>	<i>Survey Required.</i>	<i>Applicant</i> <b>AREA 52 LLC</b>
	<i>Reason for the request:</i> <b>VEHICLE REPAIR OR MAINTENANCE SERVICE</b>		<i>Address:</i> <b>1850 SPRINGDALE STREET</b>



**DESCRIPTION:** The Town of Springdale has submitted a conditional use permit application on behalf of the landowner to better accommodate an existing vehicle repair 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” as a conditional use. If approved, CUP 2484 will bring the existing auto repair business 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: On July 21, 1975, the Dane County Board approved Petition 1688, with no conditions. This petition put the subject property in the C-2 zoning district, which allowed vehicle maintenance and repair as a permitted use. The landowner has operated a vehicle repair shop at that location since 1975. If the CUP is *not* approved, the existing vehicle maintenance shop would become a legal, nonconforming use once the new GC (General Commercial) zoning takes effect. Legal, nonconforming uses may continue indefinitely, but cannot be expanded, and may not continue after being abandoned for a year or more.

Surrounding land uses / neighborhood: The property is immediately to the east and south of a vacant parcel within the Village of Mount Horeb. Other commercial uses, all in the Village of Mount Horeb, within 1,000 feet of the property include: a commercial car wash, financial services, retail and light industrial uses. A Village residential area lies within 130 feet to the north. To the east, in the Town of Springdale, there is a duplex residence, vacant land and agricultural fields.

Utilities, access, drainage, and other necessary site improvements: No expansion of the existing vehicle maintenance use is proposed. There is an existing driveway that accesses a frontage road, which in turn intersects Springdale Street. Access, drainage and current utilities appear adequate for the current use. The property is within the Village of Mount Horeb Urban Service Area.

**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 environmental corridors or resource protection corridors on the property.

**STAFF:** Recommend approval with the condition that the vehicle repair use conform to the existing footprint and operation, as they existed as of the date of approval of the CUP.

**TOWN:** On September 23, 2019, the Town of Springdale board voted to approve CUP 2484, with the condition that the vehicle repair use be consistent with current use and with the Comprehensive Revision of the Dane County Code of Ordinances, Chapter 10.

Questions? Contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com) or 608-267-4115.