



Staff Report

Public Hearing: **June 24, 2014**

Petition: **Rezone 10702
CUP 2276**

Zoning and Land Regulation Committee

Zoning Amendment:
**A-2 Agriculture District TO A-3
Agriculture District, A-1EX Agriculture
District TO A-3 Agriculture District, RH-2
Rural Homes District TO A-3 Agriculture
District, A-2 Agriculture District TO RH-2
Rural Homes District, A-1EX Agriculture
District TO RH-2 Rural Homes District**

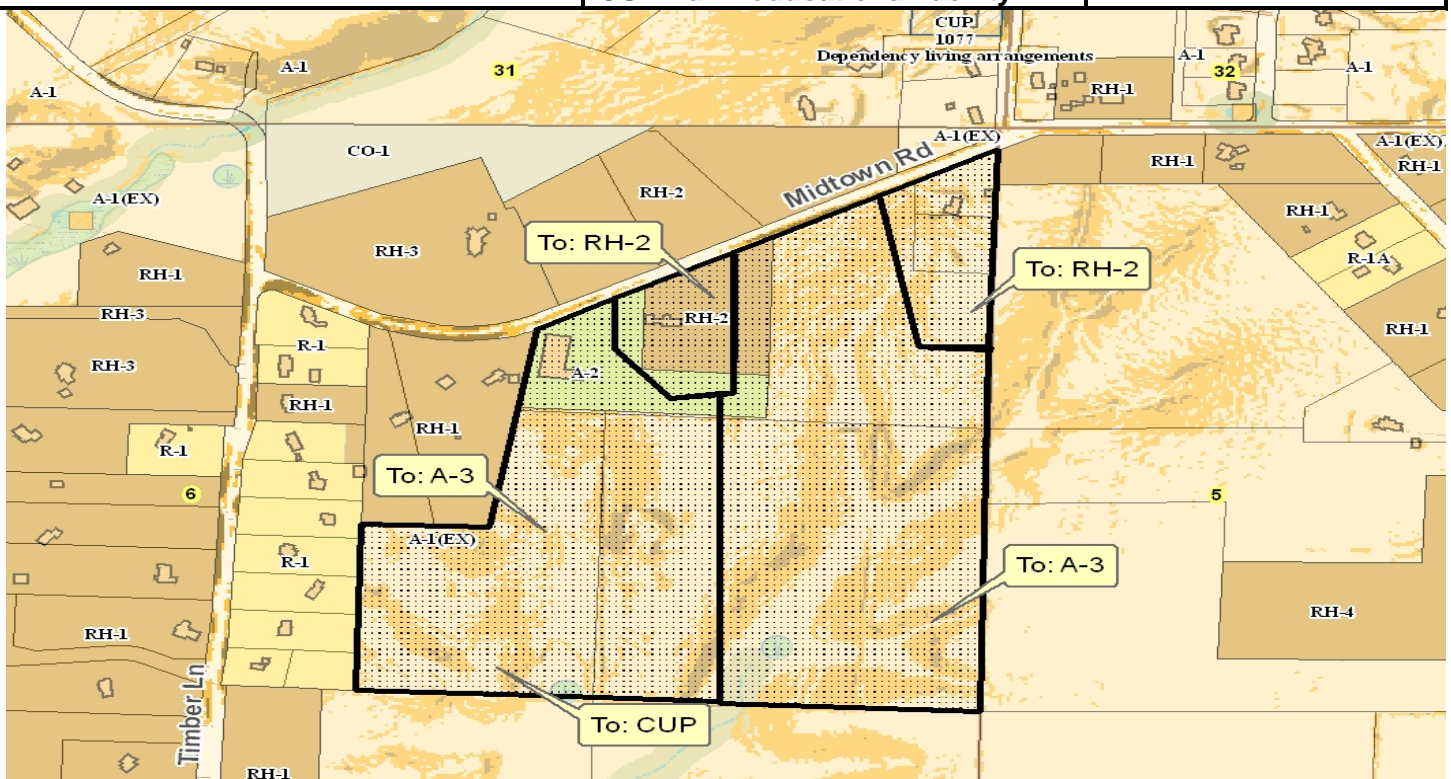
Town/sect:
**Verona
Section 06**

Acres: 93.5
Survey Req. Yes

Applicant
Maxwell Family LLC

Reason:
**Reconfiguring two existing
residential lots and creating two
agricultural lots
CUP: farm educational facility**

Location:
7711 Midtown Road



DESCRIPTION: Applicant proposes zoning changes to adjust existing residential and agricultural parcel boundaries, and seeks approval of a conditional use permit for Heartland Farm Sanctuary to conduct agricultural entertainment and educational activities on the westerly proposed A-3 parcel. No new residential development is proposed.

OBSERVATIONS: The proposed A-3 parcels consist of class II, III, IV, and VI soils. The easterly A-3 parcel includes a tree farm.

TOWN PLAN: The property is located in the town's "Rural Residential" planning area.

RESOURCE PROTECTION: There are no areas of resource protection corridor located on the property.

STAFF: The proposed boundary adjustments and conditional use permit appear consistent with town plan policies. The town board approved the rezone petition and preliminary CSM, but tabled the CUP to allow time to review the application materials. The town board will take up the CUP at their meeting on 6/26. Prior to the July 8th work meeting, staff will prepare a draft CUP with conditions addressing hours of operation; sanitary facilities; lighting / signage / noise; parking; accommodations for caretakers; and event planning for large events.

TOWN: Rezone petition approved; CUP tabled / pending.

6/24 ZLR: The Committee postponed action on the zoning petition and the conditional use permit.

UPDATE: The Town has approved the conditional use permit with 9 conditions.

Proposed Conditional Use Permit # 2276

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. Hours of Operation:
 - a. Educational activities shall be limited from 7:00am to 9:00pm for those arriving by car. Bus activity shall be limited from 8:00am to 9:00pm.
 - b. Fund raising activities shall be limited to no more than five events per year and would start no earlier than 8:00am and end by 10:00pm. All activities (clean up) shall end at 11:00pm. Events with 50 or fewer people may occur throughout the year with the same time limitations as stated.
 - c. Supervision of animals would take place as needed throughout a 24-hour period.
2. For purposes of assisting staff on a regular basis, the number of volunteers will be limited to 20 (present on property at one time) with the number not to exceed 40 for special events and work days.
3. Pigs will be kept a minimum of 35 feet away from neighboring properties.
4. Outdoor loudspeakers are prohibited.
5. Outdoor lighting shall be limited to what is necessary for safety. The lighting shall be designed to shield adjacent properties from glow.
6. Parking shall be limited to 30 cars on a daily basis in a good gravel area with overflow parking for no more than 60 additional cars for special events.
7. Drive access shall be modified in accordance with the driveway requirements of the Town of Verona.
8. Permanent restrooms will be added in whatever number is required by the commercial building code.
9. If ownership of the operation changes, this Conditional Use Permit will be subject to review by the Town of Verona and the County for potential amendments.