



Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: July 25, 2017

Petition: **Petition 11157**
CUP 02384

Zoning Amendment:
A-1EX Agriculture TO C-2 Commercial, B-1 Local Business TO C-2 Commercial, A-1EX Agriculture TO A-4 Agriculture

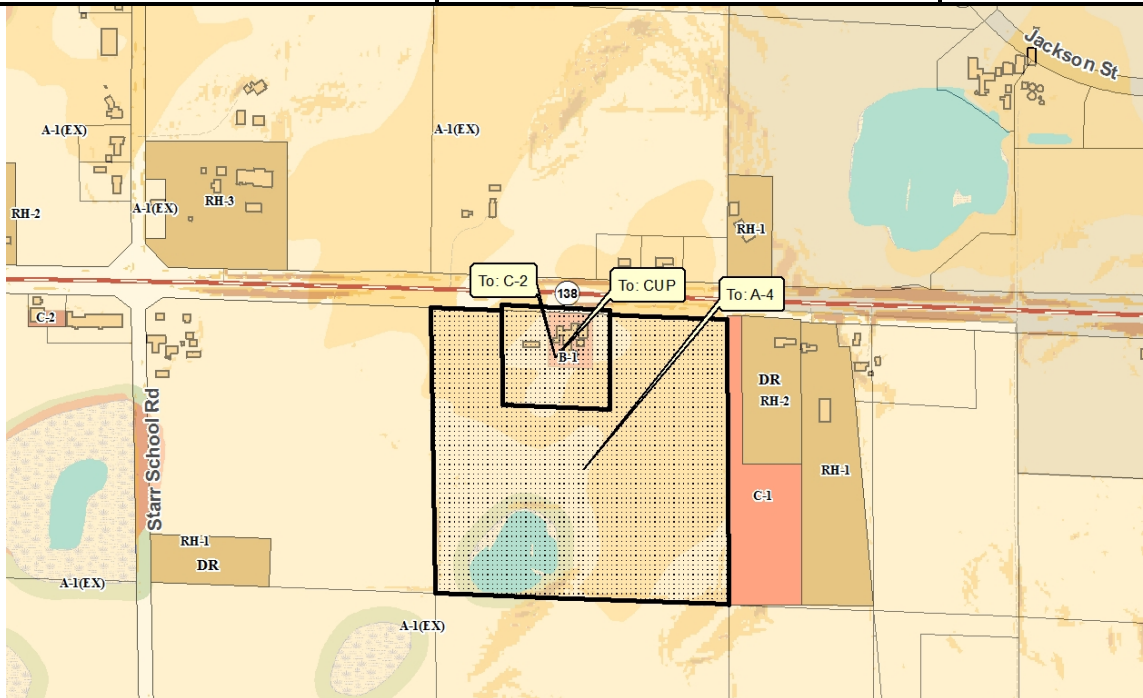
Town/sect:
RUTLAND, Section 12

Acres: 4,1,32.5
Survey Req. Yes

Applicant
James Lapp

Reason:
REZONE FOR LANDSCAPING, SNOW AND TREE REMOVAL BUSINESS WITH CUP FOR WATCHMAN / CARETAKER RESIDENCE.

Location:
3333 STATE HIGHWAY 138



DESCRIPTION: Applicant proposes to separate the existing single family residence and accessory buildings onto a new 5 acre parcel to be rezoned from B-1 to C-2 Commercial to allow relocation of the applicant's existing landscaping, snow removal, and tree care business to the property (Jim's Tree Service). A Conditional Use Permit for a residence for a watchman / caretaker is also requested to provide zoning compliance for the existing residence. A-4 zoning is requested for the remaining 32 acres, which is may be sold to an adjoining property owner.

OBSERVATIONS: A small pond / wetland area is located in the southwestern corner of the proposed A-4 parcel. No new development is proposed.

TOWN PLAN: The property is located in the town's agricultural preservation area. Town plan policies allow for the establishment of limited commercial uses compatible with a rural area and having access to a state or county highway.

RESOURCE PROTECTION: An area of resource protection corridor associated with the small pond located in the southwesterly corner of the property. No new development proposed.

STAFF: The proposal appears reasonably consistent with town plan policies. As indicated on the attached density study report, the property remains eligible for one possible split. Staff recommends the following deed restrictions be recorded on the C-2 property: Limit land uses exclusively to landscaping, snow removal, tree care and similar contracting businesses, repairs and storage of contractors vehicles, machinery, and equipment, outdoor storage of landscaping materials, and a residence for a watchman/caretaker. Outdoor storage areas shall be shielded from view from Highway 138. Prohibit off-premises (billboard) signage, lighted signage, and outdoor loudspeakers. Staff also recommends a the A-2 parcel be deed restricted to prohibit division, and also a condition requiring town site approval for future residential development on the A-2 parcel prior to the issuance of zoning permits.

TOWN: Approved with the following amendment: amend the petition to rezone the balance of the property to the A-2.

Proposed Conditional Use Permit # 2384

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. The conditional use permit is for a residence for a watchman / caretaker.
2. The conditional use permit shall expire at any time the residence ceases to be occupied by a watchman / caretaker of a business located on the property.