
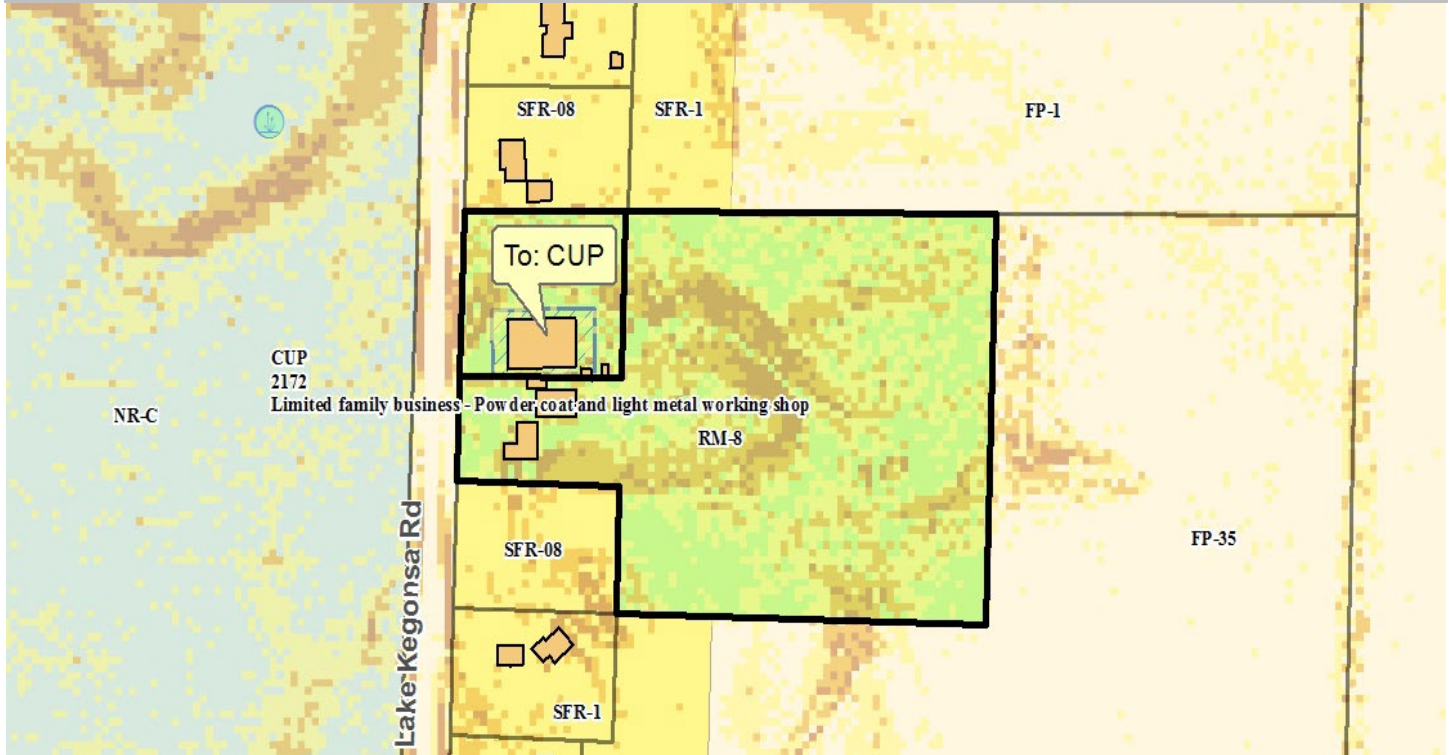


Staff Report  Zoning and Land Regulation Committee	<u>Public Hearing:</u> March 23, 2021	CUP 02515
	<u>Zoning Amendment Requested:</u> TO CUP: LIGHT INDUSTRIAL REQUEST WITHIN LIMITED COMMERCIAL	<u>Town/Section:</u> RUTLAND, Section 2
	<u>Size:</u> 1.14 Acres	<u>Survey Required:</u>
	<u>Reason for the request:</u> LIGHT INDUSTRIAL REQUEST WITHIN LIMITED COMMERCIAL	<u>Applicant:</u> KYLE RAASCH
		<u>Address:</u> 1478 LAKE KEGONSA ROAD



DESCRIPTION: Owner Kyle Raasch requests approval of a CUP for “Light Industrial” on the ~1 acre Limited Commercial (LC) zoned parcel to accommodate an existing metalworking and powder coating workshop (K.R. Kustoms). Rezone petition 11657 was recently approved separating the owner’s residence and establishing the workshop on a separate LC zoned parcel. The workshop was previously permitted under a Conditional Use Permit (CUP) for a Limited Family Business. The workshop business is owner-operated and does not have any employees.

OBSERVATIONS/ FACTUAL INFORMATION: The existing use of the property is limited commercial (workshop) and rural residential. Surrounding land uses are agriculture/open space, and rural residential. No sensitive environmental features observed. The workshop is accessed via a wide driveway onto Lake Kegonsa Road. The property is mostly wooded, with a mature stand of trees serving as a buffer with the adjacent residential property to the north. No new development is proposed.

TOWN PLAN: The property is located in the town’s agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the subject property.

STAFF: The proposed conditional use is reasonably consistent with town plan policies which allow for the establishment of both Limited Family Businesses and, “small, rural oriented businesses”, provided the use fits with the character of the area. The existing business has been in operation since 2011 and no expansion is being proposed. A mature stand of trees provides a natural buffer with the residential property to the north, and the applicant indicates that the workshop

is well insulated to help limit potential for noise complaints. Applicant indicates that no hazardous materials or chemicals are used in the business, and that a dust collector is used to properly capture and dispose of particulate waste from the powder-coating work.

The town of Rutland approved the CUP with no conditions. Many conditions regarding operation of the business were imposed via deed restrictions as part of the approval of the LC zoning under petition 11657. Staff recommends that the petition be approved with the following conditions (note these conditions include the minimum required conditions for all CUPs found in section 10.101(7)(d)):

1. Ongoing compliance with the deed restrictions imposed under rezoning petition 11657 is required.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. [10.102\(8\)](#).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

Questions about this staff report? Contact Majid Allan: allan@countyofdane.com / 608-267-2536.

TOWN: Approved.