
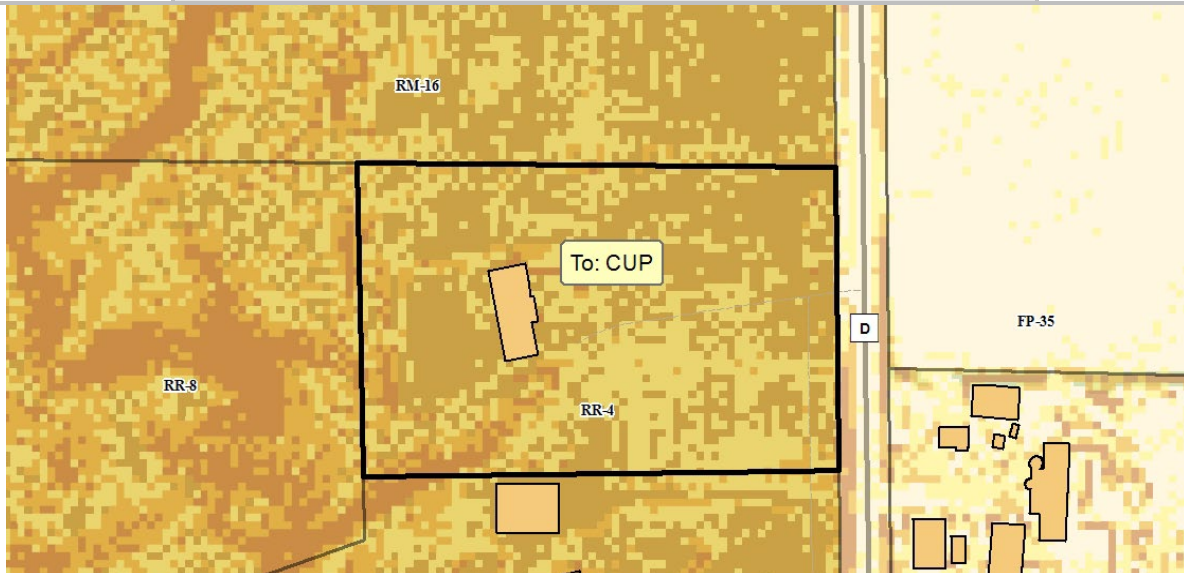


REVISED 4/23/2021 Staff Report  Zoning and Land Regulation Committee	Public Hearing: March 23, 2021	CUP 02514
	Zoning Amendment Requested: TO CUP: Limited Family Business CUP for a HVAC Contractor business	Town/Section: OREGON, Section 8
	Size: 5.7 Acres	Survey Required.
	Reason for the request: Limited Family Business CUP for a HVAC Contractor business	Applicant: MATTHEW ZUEHLKE Address: 1331 COUNTY HWY D



DESCRIPTION: Applicant seeks a conditional use permit to operate a heating, ventilation and air conditioning (HVAC) contractor business out of a new accessory building on an existing RR-4 lot.

OBSERVATIONS/ FACTUAL INFORMATION: The property is bordered to the south and west by a cluster of Rural Residential-zoned lots of various sizes, and by a farm field in RM-16 zoning to the north. Farms and farm buildings in Farmland Preservation zoning lie across County Highway D to the east. The proposed site for the HVAC building and parking area is partially screened from the neighbor to the south by a row of evergreens.

TOWN PLAN: The property is within a Rural Preservation Area in the *Town of Oregon/Dane County Comprehensive Plan*. The plan allows for “limited commercial uses on non-commercially zoned parcels,” where such uses are “consistent with the plan’s overall vision” and that meet certain performance standards, such as noise, visual screening and others.

RESOURCE PROTECTION: Small areas of town-identified steep slopes occur on the southwestern portion of the lot, well away from the proposed CUP use. Compliance with county stormwater and erosion control regulations should avoid any significant impacts.

DANE COUNTY HWY: CTH D is not a controlled access highway. Not enough information provided to estimate increase in traffic volumes. Improvements to CTH D and driveway will be required. A change of use permit from Dane County Highway will be required.

STAFF: See Page 2 for recommended conditions of approval. Note that any future expansion of the operation beyond the scope described in the recommended conditions would likely require Limited Commercial zoning, which may or may not be supported at this location under the town/county plan.

TOWN: On April 8, 2021, the Town of Oregon Board of Supervisors voted to approve, with no conditions.

CUP 2514

Proposed Conditions of Approval

- 1) The use shall employ no more than one, or one full-time equivalent, employee who is not a member of the family residing on the premises.
- 2) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
- 3) Hours of operation for the Limited Family Business, including deliveries, shall be Monday through Friday, from 7:00 a.m. to 5:00 p.m.
- 4) All lighting on the site shall be downward-directed and designed to minimize spill onto adjoining properties.
- 5) All storage of vehicles, trailers, materials, scrap, dumpsters and supplies shall occur indoors.
- 6) Existing vegetative screening shall be maintained along the southern property line to effectively screen the shed housing the Limited Family Business. Any replacement vegetation or landscaping must meet or exceed the current effectiveness of screening.
- 7) Vehicles used in the operation of the limited family business shall meet the following standards:
 - a. Daily operation: vehicles must be single-axle, not to exceed 7,000 lbs. gross vehicle weight.
 - b. No more than one vehicle trip per week: one dual-axle vehicle with a gross vehicle weight not to exceed 24,000 lbs.
 - c. No more than one vehicle trip per month: one 40-foot tandem-axle vehicle with a gross vehicle weight not to exceed 30,000 lbs.
- 8) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 9) Operations of the Limited Family Business will not exceed a peak noise level of 70db (dBa scale), as measured from any property line.
- 10) The building used for the Limited Family Business shall not exceed 26 feet in height and shall meet all requirements for residential accessory buildings in the RR-4 zoning district. Sanitary facilities installed in the accessory building must be removed upon termination of the Limited Family Business or expiration or termination of the conditional use permit. No more than 4,200 square feet of the accessory building will be used for the Limited Family Business.
- 11) Prior to construction, the landowner must successfully obtain County Stormwater and Erosion Control Permits from the Department of Land and Water Resources.
- 12) 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.
- 13) 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.
- 14) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 15) Off-street parking must be provided, consistent with **s. 10.102(8)**.
- 16) If the Dane County Highway, Transportation and Public Works Department determines 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. Driveways and road access points must be designed to safely accommodate the largest vehicle to be used in the operation of the limited family business, and to minimize backing up operations.
- 17) 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.
- 18) 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.

- 19) 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.
- 20) 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.
- 21) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.