

<b>APPLICANT:</b>	Guru Ramdas Shaa LLC	<b>REQUEST:</b>	Conditional Use Permit
<b>ADDRESS:</b>	789 Sextonville Rd.	<b>TAX PARCEL:</b>	276-2100-7581
<b>BUSINESS:</b>	Shamrock Services	<b>DISTRICT:</b>	Commercial General
<b>MEETINGS:</b>	Planning 1/22 & 4/23 Council 2/4, 3/4, & 4/15/25	<b>DESCRIPTION:</b>	Tree Service and Personal Auto Repair

## BACKGROUND

Following a period of vacancy, a new business began operating from the subject property which came to the attention of the Zoning Department. After reviewing zoning records, it was determined that a Conditional Use Permit (CUP) had been issued to a previous auto and tire repair shop in this location but was not transferred to the new business, Shamrock Services. A new CUP must be obtained by Shamrock Services to allow for the operation of an auto and tire repair shop in a commercial general zoning district.

After becoming aware of the violation, a Notice of Violation was issued to Shamrock Services on December 3, 2024, for operating without the required CUP. On December 16<sup>th</sup>, the applicant applied for a new CUP.

At the March 4, 2025 Common Council meeting, the applicant advised that he was operating a tree service business from the subject property not an auto repair facility. He further explained that the auto repair work conducted onsite was for personal vehicles only. Given the discrepancy in use of the parcel, more information was necessary to determine the appropriate path forward and necessity of CUP.

On April 15, 2025, the Common Council reconsidered the CUP request. During this meeting, Attorney Windle advised the application could either:

1. Be denied as a tree service is not listed as a permissible or conditional use within the zoning code.
2. Grant a conditional use for an auto repair facility but not a tree service.
3. Take no action pending an ordinance amendment to allow for the stated uses.

The Common Council directed Attorney Windle to review the matter in conjunction with the Plan Commission.

## ORDINANCE

408.04 CONDITIONAL USES IN A "C-DT" CENTRAL BUSINESS DISTRICT. (4) Auto Repair garage or facility.

*\*No use is listed in the Zoning Code related to tree services\**

CRITERIA FOR CONSIDERATION	Yes	No
Is the project consistent with the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Can the request demonstrate adequate public facilities, including roads and drainage, & utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the request minimize adverse effects on the natural environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not create undue traffic congestion.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not adversely affect public health, safety, and welfare.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request conforms to all applicable provisions of the code.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## CONDITIONS FOR APPROVAL

1. The use of the parcel must remain consistent with the use approved by the Common Council.
2. The applicant shall grant City Zoning staff access to the subject site for inspections to verify compliance.
3. Outside storage of tires, inoperable vehicles, scrap metal, auto parts, and related materials is prohibited.
4. This CUP shall be valid for one (1) year from the date of approval by the Common Council.
5. This CUP is renewable if compliant with the Code of Ordinances and prescribed conditions of this permit.
6. This conditional use permit is not transferable.

## STAFF RECOMMENDATION

Some of the available options are as follows:

- a. Recommend CUP denial as the use is not permissible. The business would need to cease operations unless an ordinance amendment is adopted allowing the use.
- b. Recommend approval of a CUP for an auto repair facility only. Follow the enforcement process if a tree service continues operation on premises.
- c. If it is believed that a tree service could be a valuable addition to the zoning district, recommend an amendment to the zoning code to allow tree services as a permissible or conditional use.
- d. Other as recommended by the City Attorney

