

**VILLAGE OF WINDSOR
RESOLUTION 2020-70**

**APPROVAL OF A CONDITIONAL USE PERMIT FOR A LANDSCAPE, LAWN
AND GARDEN BUSINESS AT 7646 CONIFER COURT,
VILLAGE OF WINDSOR**

WHEREAS, Carl Sarbacker (the "Petitioner") has requested approval of a Conditional Use Permit for a landscape, lawn and garden business to be located in Suite #9 of the Conifer Secured Self Storage facility at 7646 Conifer Court (the "Subject Property"); and

WHEREAS, the Village Director of Planning / Zoning Administrator has reviewed the Petitioner's request and prepared a Staff Report dated August 28, 2020 (the "Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, the Village of Windsor Plan Commission held a public hearing regarding the request on August 13, 2020; and

WHEREAS, the Plan Commission recommended approval of the Conditional Use Permit in Plan Commission Resolution 2020-08; and

WHEREAS, following review of information presented at the Plan Commission meeting, public hearing, and the Staff Report, the Village Board approves the Conditional Use Permit, subject to the conditions specified in the Staff Report and as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

The Village of Windsor Board Approves the Conditional Use Permit for Carl Sarbacker, subject to the following conditions:

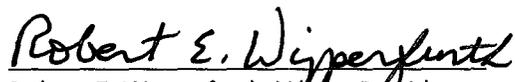
1. The Petitioner shall address the Staff Comments set forth in this Staff Report to the satisfaction of the Director of Planning/Zoning Administrator.
2. The Conditional Use Permit shall be limited to Carl Sarbacker (dba Seasonal Solutions LLC) located in Suite #9 of the Conifer Secured Self Storage facility at 7646 Conifer Court, DeForest, WI 53532.
3. The Conditional Use Permit shall be limited to a landscape, lawn and garden business on the Subject Property.
4. The Conditional Use Permit shall reflect the following Plan of Operation:
 - a. Hours of Operation: Monday-Friday 5:00am to 6:00pm, Saturday 7:00am to 5:00pm and closed on Sunday (summer hours) and 24-hours a day 7 days a week during November 15-April 20 (winter hours) for snow and ice removal.
 - b. Number of Employees: A maximum of eight (8) employees; to include one owner, one administrative staff, and six (6) seasonal employees.
 - c. Number Off-Street of Parking Spaces: The Petitioner is limited to a maximum of 9 marked parking spaces for the parking of vehicles on the subject property. The Petitioner shall mark and maintain the parking spaces.
5. The Conditional Use Permit shall prohibit outdoor storage of equipment, landscape supplies and merchandise (i.e. mulch, rock, soil, salt, etc.)

6. The Conditional Use Permit shall limit the business to a service-oriented business prohibiting the manufacturing, assembly and/or sales of products on the subject property.
7. The Petitioner shall comply with all requirements of the Windsor Code of Ordinances; including but not limited to sec. 34-150 *Storage and Accumulation Junk and Debris*, sec. 44-36 *Nondisposable Materials*, sec. 52-23 *Signs*, and sec. 52-73 *C-2, General Commercial District*.
8. The Petitioner shall allow representatives from the Village to inspect the Subject Property upon 24-hour notice for the purposes of determining compliance with this approval, and without prior notice in the event of an emergency as determined by the Village.
9. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this Conditional Use Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, or rule of either the Village, Dane County, State of Wisconsin, or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This Conditional Use Permit shall not be deemed to constitute a building permit, nor shall it constitute any other license or permit required by Windsor Code of Ordinances or other law.
10. The Conditional Use Permit hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village as being in compliance with all pertinent ordinances.
11. Should the Conditional Use Permit be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use Permit may be terminated by action of the Village, pursuant to the enforcement provisions of this Conditional Use Permit.
12. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use Permit, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
13. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Permit may be amended with the prior approval of the Village if the Village finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village determines, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
14. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use Permit is in conflict with any other aspect of the Conditional Use Permit or any aspect of any plan of the Conditional Use Permit, the more restrictive provision shall be controlling as determined by the Director of Planning/Zoning Administrator.

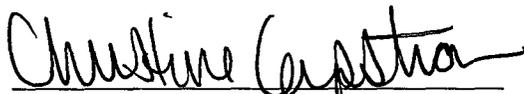
15. The Village Board finds the conditions set forth herein are reasonable; to the extent practicable, measurable; related to the purpose of the Windsor Code of Ordinances; and based on the facts and information set forth in this Staff Report and Petitioner Application, which have been reviewed and are incorporated herein by reference.
16. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the Conditional Use Permit, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.
17. The Village Board's approval of the Conditional Use Permit expires one hundred-eighty (180) days from the date of adoption of this Resolution unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Petitioner has not complied with all of the conditions prior to expiration, the approval shall be null and void and the matter will need to be resubmitted to the Village for review as an initial application.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on September 3, 2020, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, Village President

Attested by:


Christine Capstran, Village Clerk

INCORPORATED BY REFERENCE:

Staff Report

Petitioner Application

Plan Commission Resolution 2020-08



Windsor

Growing Forward

STAFF REPORT

To: Village of Windsor Board
Cc: Robert Wipperfurth, Tina Butteris, & William Cole
From: Amy Anderson Schweppe, Davis Clark, & Jamie Rybarczyk
Rpt Date: August 28, 2020
Mtg Date: September 3, 2020
Submtl Date: July 13, 2020
Aprvl Date: October 11, 2020
Re: Carl Sarbacker – Conditional Use Permit

BACKGROUND:

Petitioner: Carl Sarbacker (dba Seasonal Solutions LLC)
Property Owner: William Kippley (dba Conifer Secured Self Storage)
Address: 7646 Conifer Court, DeForest, WI 53532
Taxkey: 0910-092-8535-0
Area: 4.5 Acres
Existing Zoning: C-2, General Commercial District
Proposed Zoning: N/A
Future Land Use: Roadside Mixed Use

REQUEST:

The Petitioner requests approval of a Conditional Use Permit to operate a landscape, lawn and garden business. The business would be located in Suite #9 of the Conifer Secured Self Storage facility at 7646 Conifer Court, DeForest, WI 53532. A landscape, lawn and garden business requires a Conditional Use Permit in the C-2, General Commercial District.

See Exhibit A for additional information regarding the Development Review Application.

OVERVIEW:

The hours of operation for Seasonal Solutions LLC are Monday-Friday 5:00am to 6:00pm, Saturday 7:00am to 5:00pm and closed on Sunday (summer hours) and 24-hours a day 7 days a week during November 15-April 20 (winter hours) for snow and ice removal. The maximum number of employees during peak business operations is eight (8) include one owner, one administrative staff, and six (6) seasonal employees. Seasonal Solutions LLC operates three (3) pickup trucks, one truck with a contractor's dump box, one dump trailer, and one enclosed trailer. Seasonal Solutions LLC will not have landscape supplies or merchandise (i.e. mulch, rock, soil, salt, etc.) stored outdoors.

STAFF COMMENTS – PLANNING, ZONING & DEVELOPMENT:

The Planning, Zoning & Development Department provides the Village Board with the following comments:

1. Ch. 52: Zoning Districts

- a. Per Sec. 52-22(5), a landscape, lawn and garden business requires one (1) parking space per employee plus one parking space per service vehicle. Based on the Development Review Application, the Petitioner is required to have 14 parking spaces. Village Staff recommends the three (3) pickup trucks, one truck with a contractor’s dump box, one dump trailer, and one enclosed trailer be stored inside the building to limit the amount of outdoor parking.

2. Ch. 52: Administration and Enforcement and Procedures

- a. Per Sec. 52-101(5), the Conditional Use Permit request shall be evaluated by Village Staff and their report to the Village Plan Commission and Village Board shall include responses to the following questions:

- i. How is the proposed Conditional Use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

- *Response: The general use of the Subject Property is, and will be, Commercial. Allowable Conditional Uses in the C-2, General Commercial District include landscape, lawn and garden businesses.*

- ii. How is the proposed Conditional Use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

- *Response: In addition to the above response, the Subject Property is within the Village of Windsor’s Roadside Mixed Use Area. The Conditional Use is consistent with service trades, manufacturing and retail uses planned for this area.*

- iii. Does the proposed Conditional Use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this [chapter], the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?

- *Response: The Subject Property has historically been used for heavy commercial purposes, including traffic generated by heavy vehicles. The Petitioner’s application is not more intensive than historical use at the same location.*

iv. Does the proposed Conditional Use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

- *Response: The general use of the Subject Property is, and will be, Commercial. Allowable Conditional Uses in the C-2, General Commercial District include landscape, lawn and garden businesses.*

v. Is the proposed Conditional Use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

- *Response: The landscape, lawn and garden business will not impose an undue burden on improvements, facilities, utilities, or services provided by public agencies or the Village of Windsor.*

vi. Do the potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed Conditional Use (as identified in subsections (1) through (5) of this section), after taking into consideration any proposal by the Petitioners and any requirements recommended by the Petitioners to ameliorate such impacts?

- *Response: The landscape, lawn and garden business does not present any adverse impacts.*

PLAN COMMISSION RECOMMENDATION:

On August 13, 2020 the Plan Commission recommended to the Village Board Approval of the Conditional Use Permit request for Carl Sarbacker (dba Seasonal Solutions) located at 7646 Conifer Court, Suite #9, DeForest, WI 53532 by Plan Commission Resolution 2020-08.

The Plan Commission recommendation limited the parking spaces to nine (9) marked stalls for outdoor vehicles and equipment. (See Exhibit A)

Exhibit B provides the Plan Commission's unofficial meeting minutes for the Petitioner's application.

STAFF RECOMMENDED CONDITIONS:

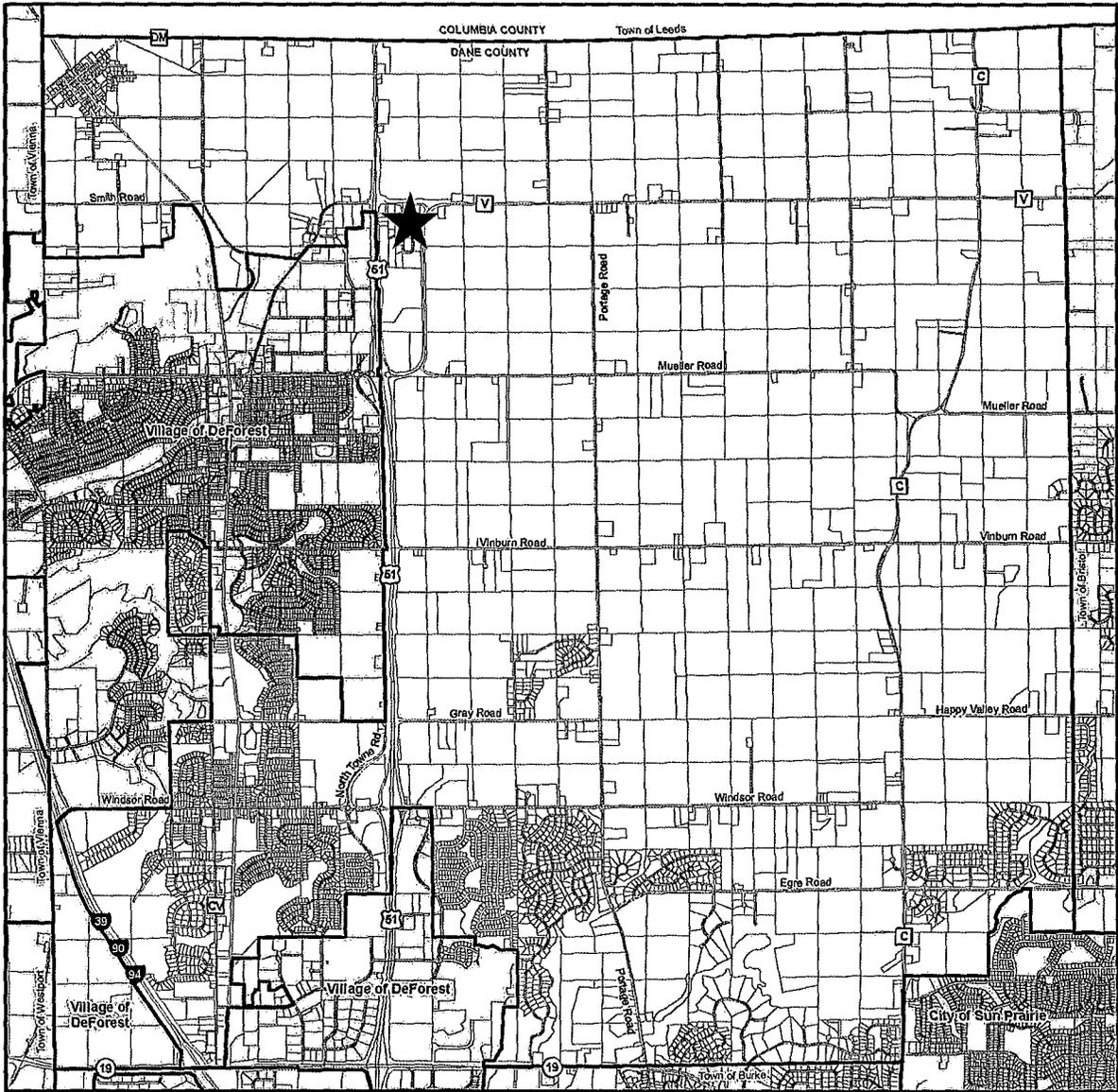
Staff recommends any approval be subject to the following conditions:

1. The Petitioner shall address the Staff Comments set forth in this Staff Report to the satisfaction of the Director of Planning/Zoning Administrator.
2. The Conditional Use Permit shall be limited to Carl Sarbacker (dba Seasonal Solutions LLC) located in Suite #9 of the Conifer Secured Self Storage facility at 7646 Conifer Court, DeForest, WI 53532.
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5. The Conditional Use Permit shall prohibit outdoor storage of equipment, landscape supplies and merchandise (i.e. mulch, rock, soil, salt, etc.)
6. The Conditional Use Permit shall limit the business to a service-oriented business prohibiting the manufacturing, assembly and/or sales of products on the subject property.
7. The Petitioner shall comply with all requirements of the Windsor Code of Ordinances; including but not limited to *sec. 34-150 Storage and Accumulation Junk and Debris*, *sec. 44-36 Nondisposable Materials*, *sec. 52-23 Signs*, and *sec. 52-73 C-2, General Commercial District*.
8. The Petitioner shall allow representatives from the Village to inspect the Subject Property upon 24-hour notice for the purposes of determining compliance with this approval, and without prior notice in the event of an emergency as determined by the Village.
9. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this Conditional Use Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, or rule of either the Village, Dane County, State of Wisconsin, or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property above described in any specific respects described herein. This Conditional Use Permit shall not be deemed to constitute a building permit, nor shall it constitute any other license or permit required by Windsor Code of Ordinances or other law.
10. The Conditional Use Permit hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village as being in compliance with all pertinent ordinances.
11. Should the Conditional Use Permit be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use Permit may be terminated by action of the Village, pursuant to the enforcement provisions of this Conditional Use Permit.
12. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use Permit, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

13. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Permit may be amended with the prior approval of the Village if the Village finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village determines, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
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15. The Village Board finds the conditions set forth herein are reasonable; to the extent practicable, measurable; related to the purpose of the Windsor Code of Ordinances; and based on the facts and information set forth in this Staff Report and Petitioner Application, which have been reviewed and are incorporated herein by reference.
16. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the Conditional Use Permit, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.
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LOCATION MAP:



500' PUBLIC HEARING NOTICE (PROPERTY LISTING):

Parcel #	Owner	Address	City	ST	Zip
91004396210	LORNA M MUTCH	4122 BARBY LN	MADISON	WI	53704
91009285100	DEFOREST LAND HOLDINGS LLC	7646 CONIFER CT	DEFOREST	WI	53532
91009285350	KIPPLEY RENTAL PROPERTIES LLC	7646 CONIFER CT	DEFOREST	WI	53532
91009286500	DAVID D GRINDE & SANDRA L GRINDE	4213 SNOWY OWL CT	DEFOREST	WI	53532
91009280010	ROGER S MANTHE	7620 GRINDE RD	DEFOREST	WI	53532
91009285810	EDWARD P BROGAN & CAROL A BROGAN	4201 SNOWY OWL CT	DEFOREST	WI	53532
91009287300	JAMIE MORTENSON	7645 CONIFER CT	DEFOREST	WI	53532
91009287450	JAMES P KUNZ & KVETOSLAVA JANESOVA	7641 CONIFER CT	DEFOREST	WI	53532
91009289104	RANDALL J ESSER & KELLY A MAIER	7640 CONIFER CT	DEFOREST	WI	53532
91009287600	Current Owner	7637 CONIFER CT	DE FOREST	WI	53532

500' PUBLIC HEARING NOTICE (MAP):

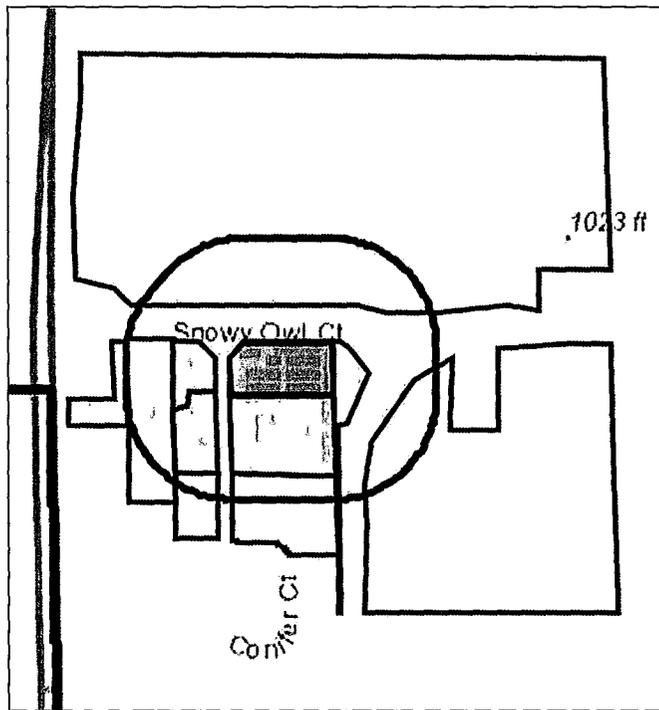


EXHIBIT:

- A. Petitioner Application



Windsor

Growing Forward

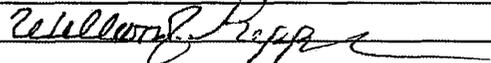
Development Review Application *Acknowledgement of Understanding*

The Petitioner, Property Owner, and Agent have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

The Petitioner, Property Owner, and Agent understand that an Administrative Fee and Escrow Fee will be charged for review of the Development Review Request by the Village staff and professional consultants, and payment must be submitted with the Development Review Request.

Property Information
Location / Address: 7652 Conifer Court Deforest, WI 53532
Taxkey Number: 196/0910-092-8535-0
Area: 4.5 acres

Petitioner	
Name: Carl Sarbacker (D.B.A. Seasonal Solutions, LLC.)	
Address: 7646 Conifer Court, Suite no. 9	
City, State, Zip Code: Deforest, WI 53532	
Phone: (608) 630-3607	Residence / <u>Business</u> / <u>Cell</u>
Email: seasonalsolutions19@gmail.com	
Signature:	

Property Owner	
Name: Kippley Rental Properties, LLC.	
Address: 7646 Conifer Court	
City, State, Zip Code: Deforest, WI 53532	
Phone: (608) 842-3040 ext 1	Residence / Business / Cell
Email: sales@ptatrucks.com	
Signature: 	

Agent	
Name:	
Address:	
City, State, Zip Code:	
Phone:	Residence / Business / Cell
Email:	
Signature:	

Development Review Application

Development Review Request

The Petitioner must submit one electronic file (PDF format) of the Development Review Application and Supplemental Application Information to the Director of Planning/Zoning Administrator at amy@windsorwi.gov no less than thirty (30) days prior to the Village of Windsor meeting. The Village Plan Commission typically meets the second Thursday of every month, the Village Board typically meets the first Thursday of every month, both at 5:00 p.m. at the Village Municipal Building, 4084 Mueller Road, DeForest, WI 53532.

Development Review Request	Application		
	Fee	Escrow (Min)	Escrow (Max)
<input type="checkbox"/> Comprehensive Plan Amendment	\$300	\$1,000	N/A
<input type="checkbox"/> Buildings and Building Regulations			
<input type="checkbox"/> Standard Site Plan Review	\$300	\$2,500	N/A
<input checked="" type="checkbox"/> Limited Site Plan Review	\$150	N/A	N/A
<input type="checkbox"/> Planning and Development			
<input type="checkbox"/> Concept Plan	\$150	N/A	N/A
<input type="checkbox"/> Preliminary Plat	\$300	\$1,000/lot	\$10,000/lot
<input type="checkbox"/> Final Plat	\$300	\$1,000/lot	\$10,000/lot
<input type="checkbox"/> Replat	\$300	\$1,000/lot	\$10,000/lot
<input type="checkbox"/> Certified Survey Map	\$150	\$1,000/lot	\$5,000/lot
<input type="checkbox"/> Condominium Plat	\$300	\$1,000/lot	\$10,000/lot
<input type="checkbox"/> Zoning Districts			
<input type="checkbox"/> Zoning Map and/or Ordinance Amendment	\$150	\$1,000	N/A
<input checked="" type="checkbox"/> Conditional Use Permit	\$150	\$1,000	N/A
<input type="checkbox"/> Planned Unit Development	\$300	\$2,500	N/A
<input type="checkbox"/> Sign	\$100	N/A	N/A
<input type="checkbox"/> Zoning Variance	\$150	\$1,000	N/A
<input type="checkbox"/> Nonmetallic Mining Operations			
<input type="checkbox"/> Processing Facility License	\$250	\$5,000	N/A
<input type="checkbox"/> Mining Registration License	\$250	\$500	N/A
<input type="checkbox"/> Mining Operator's License	\$250	\$5,000	\$10,000
<input type="checkbox"/> Other	\$150	T.B.D	T.B.D



Kippley Rental Properties, LLC

7646 Conifer Court
Deforest, WI 53532

Seasonal Solutions, LLC. (Suite no. 9)- 3,400 sq. ft.

Shop space previously used by Prairie Truck & Auto Sales for heavy duty mechanical work, previous shop mechanics office, setting up plow trucks and other heavy-duty equipment for various municipalities.

Description of Business-

Seasonal Solutions, LLC. is a landscaping and snow removal company, they will be using the shop space for maintaining/ storing their equipment (which includes: lawn mower, chainsaws, leaf blowers, etc.) There will be NO bark, stone or salt stored outside of the shop at any time, any surplus materials will be kept indoors.

Summer Hours:

Monday thru Friday: 5:00 am to 6:00 pm

Saturday: 7:00 am to 5:00 pm

Sunday: Closed

Winter Hours (November 15th- April 20th):

24-hours, varies depending on the amount snow fall and when the plow trucks have to go out for certain jobs/ contracts

Number of Employees-

Carl Sarbacker and (4-6) other employees varying depending on the season and the amount of work



Kippley Rental Properties, LLC

7646 Conifer Court
Deforest, WI 53532

Frequency of Business-

Most of the time it is just employees at the shop working on equipment or getting equipment ready for the next job they have. During winter hours the frequency of business will vary depending upon snow fall and when the snow starts/ finishes.

Vehicles Kept on the Property-

Total Parking Stalls: 14

Please see the attached parking map:

- (3) pickup trucks
- (1) Orange H&H dump trailer
- (1) gray enclosed trailers for transporting lawn mowers and other lawncare equipment
- (1) Chevy Tahoe and (1) Chevy Suburban- The Tahoe is the vehicle Carl drives to work and the Suburban is the vehicle the secretary drives to work
- (1) Truck with a contractor's dump box
- (4-6) employee vehicles

Seasonal Solutions Scaled Parking Plan (8-20-2020)

