



Staff Report

Zoning and Land Regulation Committee

Public Hearing: April 28, 2015

Petition: Rezone 10821
CUP 2307

Zoning Amendment:
C-2 Commercial District to C-1
Commercial District

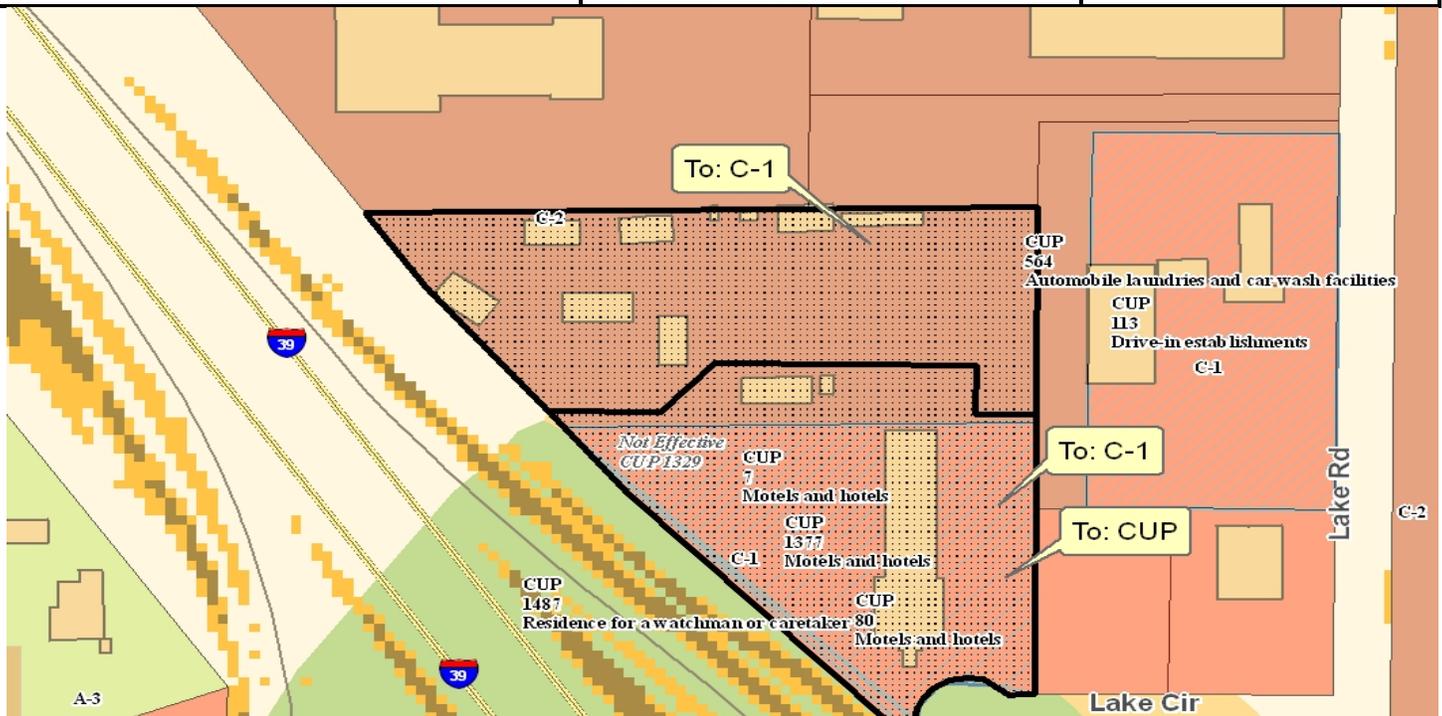
Town/sect:
Windsor
Section 31

Acres: .35
Survey Req. Yes

Applicant
Windsor Real Estate
LLC

Reason:
Shifting of property lines between
adjacent land owners
CUP description: Single family
residences for
watchman/caretaker

Location:
North of 4506 of Lake
Circel



DESCRIPTION: The applicant would like to shift a property line in order to have the watchman’s residence for 8 Motel to be actually on the same property. The residence was placed on the adjacent lot in 1989.

OBSERVATIONS: The property is located in an established commercial area. The property fronts along Interstate I-39, but does not have direct access. The Super 8 Motel is located on the southerly lot. The northerly lot is currently vacant but has been used for the temporary display of modular units in 2005. The property has services under the Northern Urban Service Area.

In 1989, CUP #1487 was approved to allow a residence for a watchman/caretaker at the Super 8 motel. The residence was to be located on the motel lot as per the CUP approval and per site plan of the zoning permit. However, the residence was constructed on the adjacent northerly lot. This northerly lot was created in 1977 for the sole purpose for the expansion of the motel and purchased by the motel owner. See notation on CSM # 2314. Currently, the lots are now owned by separate owners. The owner of the northerly lot would like the error corrected so that the northerly lot could be sold as a developable lot.

There are several issues with the northerly lot. The northern property does not front on an accessible public right-of-way. Access is only gained through easements. When the lot was created, a restriction was placed on the property that limited development to the expansion of the motel. Any other development would need to address the public street frontage matter. See notation on CSM #2314.

TOWN PLAN: The Town Plan designates this area for Regional Commercial Development. The planned uses for this area include retail, office, lodging, and other commercial services. The property is located within the Northern Urban Service Area.

Continued...

Petition 10821 & CUP 2307 continued

RESOURCE PROTECTION: The property is not located within a resource protection area. However, the center portion of the property contains hydric soils.

STAFF: It appears that the intent of the northerly lot was to be used for the expansion of the motel land use and not a separate developable site. This proposal does not address the concerns expressed during the creation of the lot as noted on the certified survey map.

In order to address the concern, Staff suggests that the applicant reconfigure the certified survey map to provide a dedicated public right-of-way to the northerly parcel or reconfigure the lots to include the northerly parcel as part of an existing adjacent business.

TOWN: Postponed due to concerns regarding the development of the northerly parcel.

Proposed Conditional Use Permit # 2307

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 existing single-family dwelling shall be used for the sole purpose of housing an on-site watchman/manager for the motel.
2. The single-family dwelling shall not be rented to other persons or sold to another party.
3. The dwelling shall be removed from the property when no longer serving as the watchman/manager residence.