



Staff Report

Public Hearing: **November 25, 2014**

Petition: **Rezone 10769
CUP 2293**

Zoning Amendment:
**B-1 Local Business District to B-1
Local Business District**

Town/sect:
**Dunn
Section 33**

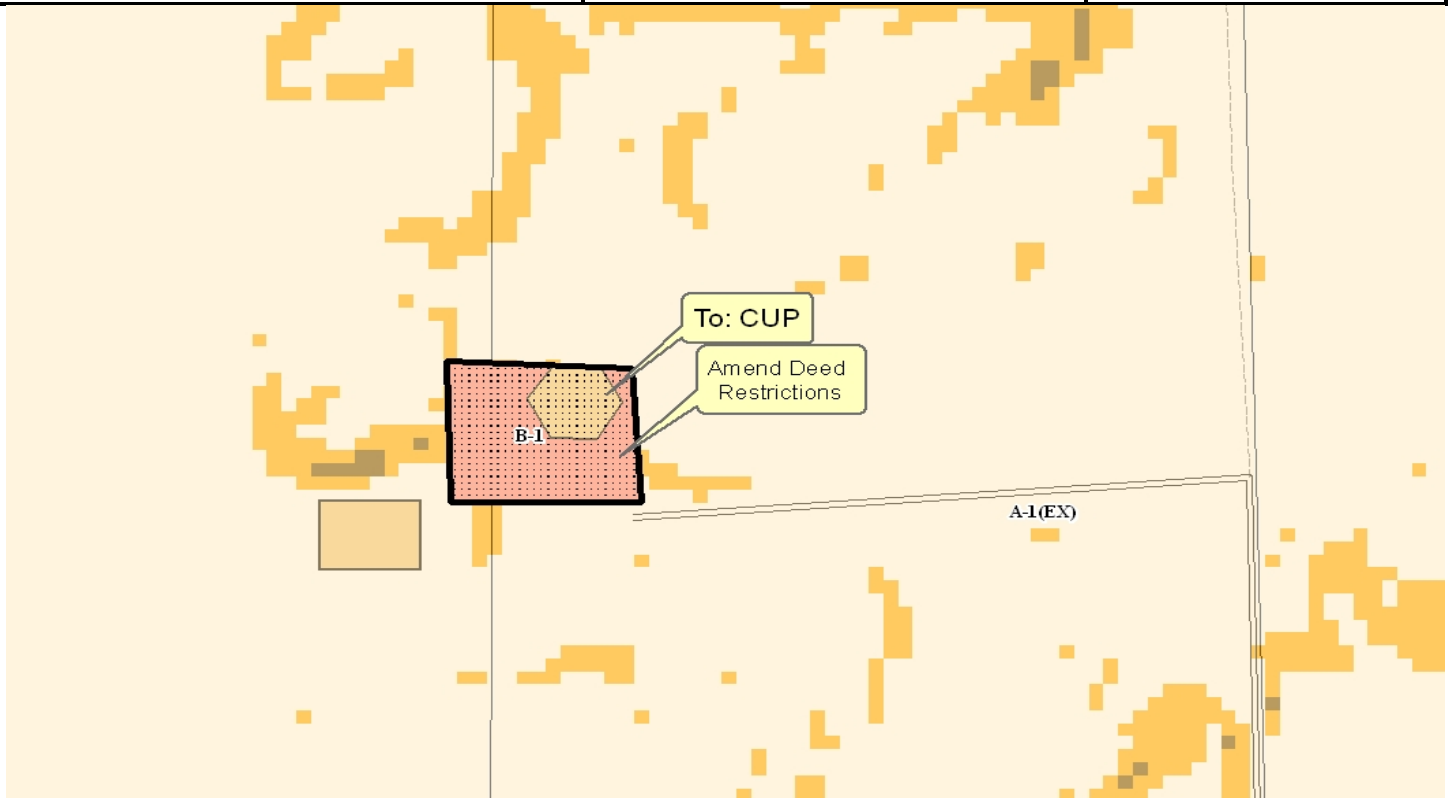
Acres: *0.32*
Survey Req. No

Applicant
**The Steven and Laurel
Brown Foundation**

Reason:
**Zoning: Amend deed restriction
CUP: allow residential use**

Location:
**4136 Rutland-Dunn
Townline Road**

Zoning and Land Regulation Committee



DESCRIPTION: The applicant is requesting removal of an existing deed restriction limiting uses of the B-1 zoned property to a law office. The proposed conditional use would be for residential use associated with private retreats for affiliated church groups and individuals. The facility will be primarily for day use, but some overnight use may also occur. The facility would not be available for public use / rental. Private use of the facility would be at the discretion of the owner, the Steve and Laurel Brown Foundation.

OBSERVATIONS: A search of property records documents that the 0.3 acre property was created as a separate parcel in 1991 without a Certified Survey Map (CSM) as required by the county land division ordinance. To bring the parcel into compliance with the land division regulations, a CSM should be done on the property.

TOWN PLAN: The property is located in the town's Agricultural Preservation Area. The town allows conditional uses that do not conflict with agricultural use and that are compatible with the rural character of the town.

RESOURCE PROTECTION: No areas of resource protection corridor located on the property.

STAFF: The proposal appears reasonably consistent with town plan policies. Staff suggests a deed restriction limiting uses of the B-1 property exclusively to a private club / organization retreat center. Staff also recommends that a CSM be required as a condition of zoning approval in order to bring the property into compliance with the land division regulations.

TOWN: Approved with an amended deed restriction limiting use of the property to a retreat center, and limiting buildings for the use to the existing building. The CUP was approved with a condition prohibiting full time residential use of the property.

Proposed Conditional Use Permit # 2293

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. Residential use of the property is limited to temporary overnight stays associated with the retreat center.
2. Full time residential use of the property is prohibited.