

Additionally, although the TRC does not believe that conditions of approval are necessary for the following information, it should be noted for future reference that: the supplemental standards for the proposed use will apply – ULDC Section 4.03.11, the minimum buffer area between the Commercial use and the R-10 (East) CON zoning (North) is 60 feet, which may be decreased by 50% and the buffer landscaping decreased by 25% with the installation of a 6' to 8' opaque fence, the regulations for the VLD overlay will apply to the development of the subject property, and staff recognizes that communication has been limited and would welcome members of the developer's professional team to weigh in on the proposed development of the subject property (Engineer, Surveyor, Environmental Consultant, etc.).

Staff analyzed the request, the standards governing the exercise of zoning powers set forth in 10.01.05 of the ULDC, and factors most relevant to this application, including the neighboring land uses and lot sizes, the viability of a Well & Septic system, the historic and proposed use of the property, the environmental sensitivity of the site, and the VLD Overlay Standards, and therefore recommends:

A. Tabling:

The Commission could consider tabling of the request until a time appointed.

1. A Jurisdictional Determination has been issued by the ACOE.
2. A Conditional Letter of Map Revision (CLOMR⁴) has been issued by FEMA/EPD.

B. Approval with Conditions:

If the Commission is ready to move forward, then they could consider approval with conditions. The current set of draft conditions are as follows:

1. Regarding the CON / C-H zoning boundary:
 - a. The C-H zoning boundary and its allowed uses shall not extend beyond the delineated wetland boundary as approved by the ACOE.

Or, if that boundary is not known at the time of LCBOC consideration, then
 - b. The C-H zoning boundary shall extend from the southern end of the property along Horace Avenue to 55' off of the southern-most GIS wetland boundaries.
2. Any vehicular ingress/egress off of Horace Avenue while it is unimproved shall require the property owner/developer to pave the street from that ingress/egress to the nearest paved street. The property owner/developer will be responsible for the design, any acquisition of necessary right-of-way, relocation of utilities, and construction costs for the paving of the section mentioned above. The paving shall be complete before the issuance of any Certificate of Occupancy (CO) is granted on the subject property