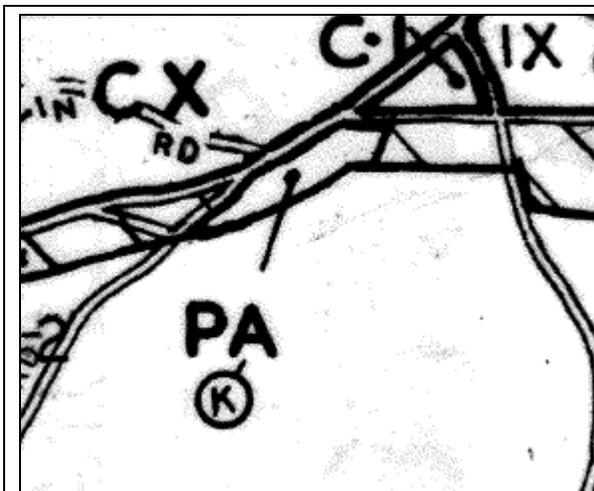




To: Planning and Zoning Commission  
Re: Underlying Zone – 265 West High  
Date: January 5, 2022

At the December 1, 2021 meeting of the Planning and Zoning Commission, a member of the public inquired about the underlying zone as shown on the Zoning Map at 265 West High Street, specifically, a portion of the property approximately 32' x 390' (hereafter referred to as "the strip"). The purpose of this memo is to clarify the history of this piece of property and its zone.

The underlying zone at what is now 265 West High has changed a number of times. Prior to 1990, the Zoning Map was not parcel based, and used streets, setbacks, and geographical features, such as streams to define zone boundaries. The first modern Zoning Map was created in 1958. On that map the subject property, and all of the surrounding properties, was zoned as RU-2, a rural land designation which allowed for single family housing. In 1970, the Zone was changed to PA – Planned Apartment, for an area which extended from the western leg of Long Hill Road to just beyond the junction of Middletown Avenue. This zone would have allowed for a dense housing development on the site. In July 1980, the Zone for this piece was change to CX – Commercial Expansion. Finally, in 1990, the zone was updated to Commercial. The 1990 map was parcel based, and pulled the Commercial Zone toward the east to align with the parcel line. The property has since been subdivided into 4 lots, all of which have been developed. See below.



*1972 Map Showing PA Zone*

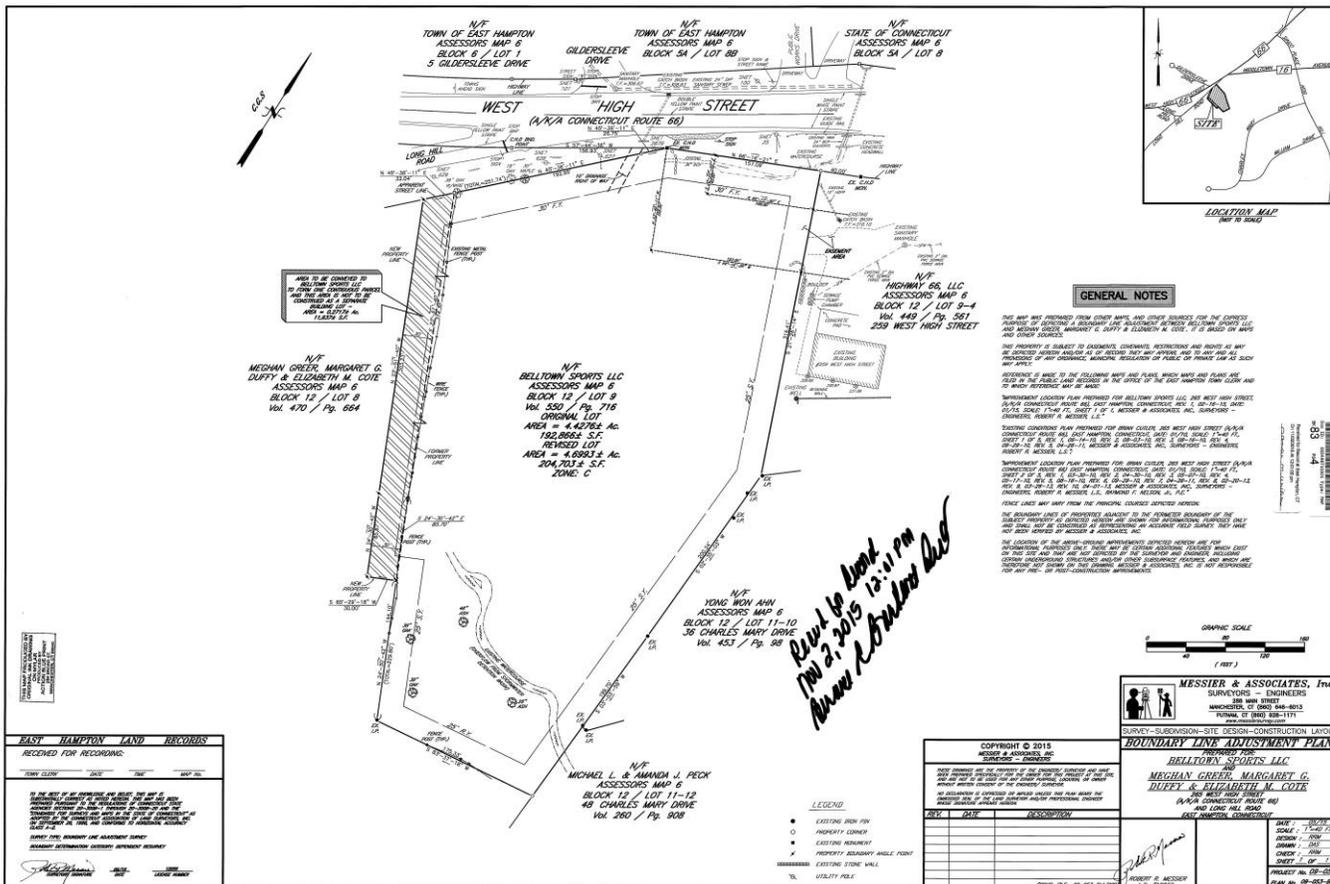


*1990 Map Showing C Zone*

In 2010, the Commission approved the original site plan for Belltown Sports, LLC, on the original lot configuration. The site plan was re-worked and a modification was approved in 2013 which shifted the building slightly to the east and expanded the offerings inside the building.

In 2015, just before construction began in earnest, a small portion of property, the strip was purchased from the Greer family in order to satisfy fire code requirements. Purchasing the additional land gave the building enough of a setback from the neighboring property to avoid a

costly installation of fire suppression system over the open fields portion of the building. The strip was adjoined to the 265 West High Street in what is known as a lot line adjustment, being fully incorporated into the parcel. See below.



### 2015 Lot Line Adjustment

In 2018, the Commission undertook an update of the Zoning Map, which had not been updated since 2014. This update was done in an effort to fix some errors that were discovered during a separate application. During the process, other errors and omissions were discovered. There was a total of 49 official changes made to the map, including correcting errors, moving open space parcels in the RL zone, and reflecting previously approved zone changes. In addition, due to updated parcel data, there were many areas where parcel lines and zone boundaries did not line up on the map. Significant time was dedicated to correcting as much of this as possible in order to eliminate any confusion. These were not changes of zone, simply a “cleaning up” of the map data.

In researching the question regarding the strip at 265 West High Street, it is my opinion that it was in this “cleaning up” of map data that led to its inclusion in the C Zone. As the parcel itself had been updated to reflect the new line property line which included the strip, the strip was inadvertently brought into the C Zone. This was carried through to the recent update completed in 2021.

During the 2018 map update, a memo accompanied the updated map which identified all of the official changes on the map, available to the Commission and the Public at the time. The change of

zone on the strip was not included in the memo and as such, in my opinion, was not an official change made to the Zoning Map approved by the Commission.

It is my opinion that the map should be corrected and that the strip should be removed from the C zone as shown below. The C zone boundary would continue to follow the historic property line which existed prior to the 2015 purchase and lot line adjustment.

The property owner is aware of this proposed correction and has submitted new site plans for the current application which address the corrected zone boundary. If the Commission agrees, Staff will update the map and make it available. No hearing is required as there is no change taking place, only a correction to the already approved map.

