

# STAFF SUMMARY REPORT

**Re-zoning Request for Tru Hotel by Hilton**  
**August, 2017**  
**RZ-0817-001**

## ⊕ Project Description

The request to re-zone the property at 20925 Watertown Road from B-3 Office & Professional Business to B-2 Limited General Business, to accommodate the development of a hotel, requires a review of the Land Use Plan.

The Land Use Plan envisions the entire Watertown Road Corridor as Commercial uses:



However, the Land Use Plan Does not differentiate between Commercial categories; i.e.- General Business, or Office Uses- as indicated in the legend for the Land Use Map:

### Land Use Plan Categories

High Density Residential (Less than 6,000 square feet of area per dwelling unit)	Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit or equivalent density)	Governmental & Institutional
Medium Density Residential (6,000-19,999 square feet of area per dwelling unit)	Prime Agricultural (35 acres of area per dwelling unit or greater)	Commercial and Office Park
Low Density Residential (20,000 square feet to 1.4 acres of area per dwelling unit)	Other Open Lands to be Preserved	Mixed Use
Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit)	Recreational	Industrial
Suburban II Density Residential (3.0 to 4.9 acres of area per dwelling unit)	Primary Environmental Corridor	Transportation, Communication & Utilities
	Secondary Environmental Corridor	Highway and Railway Rights of Way
	Isolated Natural Resource Area	Landfill
	Surface Water	Extractive
		Adopted Wisconsin Department Of Natural Resources Project Boundary
		Conditional Amendment (Labeled with Petitioner/Year)



The current zoning of the subject property is B-3 Office & Professional Business District, as shown below, with the subject area highlighted in yellow:



The zoning of the properties along Watertown Road had principally been B-3 Office until the zoning was changed in 2014 on what was then a vacant parcel immediately west of the subject property, to B-2 Limited General Business, for the development of the Home2 Suites Hotel.

While no narrative exists describing the reasoning for the B-3 zoning along Watertown Road dating back 40 years, it may be reasonable to conclude that the zoning decision was based both on the limited traffic capacity of the roadway, and the proximity of single family residential uses- especially to the north and west of the subject property.

The rezoning approved in 2014 resulted from the expectation that a hotel use would not generate troublesome traffic volumes. And the same could be concluded for the current request.

A concern arises, however, if additional, more intensive commercial uses seek re-zoning approval.

With two hotels and no restaurant immediately adjacent, a restaurant could reasonably be interested in developing near the hotels. Legally, it may be difficult to reject a rezoning request after approving rezoning twice to B-2 Limited General Business for the hotels.

Basing decisions on additional rezoning requests solely on the traffic capacity of Watertown Road would ignore the intensity of the restaurant use in proximity to the adjacent residential properties.

But since B-2 allows restaurants, and since we've approved B-2 there already, defending any action to deny another request for B-2 might be difficult. Courts could say B-2 is B-2, and in the absence of stated goals for development of the area, order approval of rezoning to B-2.

Either the Town could prepare a nodal Land Use Plan, like was done for the northeast corner of Bluemound and Barker. Such a Plan could state goals and describe uses in the area that would better describe the vision for the node. Cost for the Plan, and time required to complete the Plan, would be an obstruction to timely re-development of the property.

Another alternative could be to consider the rezoning to accommodate the development as a Planned Unit Development (PUD). This alternative was discussed with the County, and County staff supported that strategy.

Re-zoning to B-2 for an integrated development (of some description) via a PUD would result in zoning for a development that is permitted by the PUD Conditional Use and not permitted by right.

Of course, the PUD would need some other use, not just the hotel. Ideally it would be some low intensity use that integrates well with the hotel and surrounding properties.

This strategy would provide the Town the desired regulatory controls without exposure to challenge in the courts, but without the costs and delays of a Nodal Plan.