



TOWN OF ULYSSES

PLANNING AND ZONING DEPARTMENT

STAFF MEMO

TO: Planning Board
FROM: Niels Tygesen, Planner
DATE: February 21, 2025
MEETING DATE: March 4, 2025
SUBJECT: Rezone for Development District 3

PROJECT NUMBER: REZ2412-01
PROJECT ADDRESS: 2012 Trumansburg Road
PARCEL NUMBER: 20.-3-1
ZONING: Development District No. 3:
Bar/Restaurant/Trailers

INTRODUCTION

The applicant, Crissy Karns, on behalf of the property owner, Chad Doolittle, applied for a rezone of the subject site to amend the zoning of the western portion of the lot from DD3 to A/R: Agricultural/Rural or R: Residential, and to amend the zoning of the eastern portion of the lot from DD3 to B1: Business. The overall project proposal for the site would be phased; the first phase would be the rezone action, the second and third phase would be a subdivision of the western portion of the existing lot in order to construct single residential dwelling units that would help fund the fourth phase which would be to construct an indoor sports complex on the eastern portion of the existing lot. If approved, the action would also require an amendment to the Code of the Town of Ulysses ([CTU 212-118](#)).

REZONE AND ZONING CODE AMENDMENT AUTHORITY AND PROCESS

Under the [Consolidated Laws of New York \(CLNY\) 62.16.265](#), the Town Board may amend the zoning code and map subsequent to a public hearing. [CTU 1-7](#) states the Code of the Town of Ulysses may be amended as the Town Board deems desirable. And [CTU 212-12](#) states the regulations and boundaries set forth in the zoning code may be amended, supplemented, changed or repealed by the Town Board pursuant to local law.

Per [CTU 212-20.C](#), the initial step for rezone requests is for the Town Board to review the preliminary materials submitted by the applicant and determine whether the proposal 'merits further consideration'. The Town Board met on [February 11, 2025](#) and determined the request merits further consideration, and passed [Resolution 2025-51](#) referring the proposal to the Planning Board for further review and recommendation.

The Planning Board is required to assess the following upon the request to review the rezone from the Town Board:

1. Review the proposed rezone for compliance with the [2009 Comp Plan](#).
2. Review the development for the proposed site rezoning, including any proposed structures or modifications of structures, for compliance with district regulations of the zone for which rezoning is requested and other relevant sections of the [Zoning Code](#), and require such changes as may be necessary to ensure compliance.
3. Adopt a resolution recommending approval, approval with modifications, or disapproval. The Planning Board may only make recommendation to approve the rezone request following a finding that it is in conformance with the 2009 Comp Plan.

In its review of the rezone request, the Planning Board must consider the following:

1. The need within the community for the proposed use.
2. The desirability of the proposed location.
3. The compatibility of the applicant's proposed particular mix of land uses with the existing character of the neighborhood in which the proposed use would be located, and the impact on the future quality of the

neighborhood.

4. Safeguards proposed by the applicant to mitigate possible detrimental effects of the uses within the proposed rezoning on the entire area and on adjacent property.
5. Safeguards proposed by the applicant to preserve existing trees and outstanding topographic or geologic features, and reduce potential for soil erosion and sedimentation.
6. Evidence that the application is compatible with the goals of Comp Plan, if any.
7. A general statement as to how common open space is to be owned and maintained.
8. If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.
9. Evidence of the applicant's capacity to carry out the plan and the applicant's awareness of the scope of the application, both physical and financial.

Once the Planning Board has completed their review and issues a recommendation, the proposal will go before the Town Board for final consideration subject to a public hearing. Per [New York Codes, Rules, and Regulations Title 6, Part 617 \(SEQR\)](#), the proposed work is considered an Unlisted Action which the Town Board will act as Lead Agency. The proposal was referred to Tompkins County Planning Department per the requirements of [CLNY 24.12-C.239-L, M, and N](#).

REZONE OPTIONS AND ANALYSIS

Rezoning actions are at the discretion of the Town Board which may approve the proposed rezoning request, disapprove the proposed change, or approve it with modifications and/or conditions.

The land use designation of the subject site per the [2009 Future Land Use Plan \(FLUP\)](#), is primarily 'Agricultural Priority Area' with a portion adjacent to the stream to the south designated as 'Environmental Protection Area', see images below. Lands adjacent to the subject site and within the nearby vicinity are also designated as Agricultural Priority Area and Environmental Protection Area. The summarized intent of land uses in the Agricultural Priority Area are to include, but not limited to: farming operations; parks, natural areas, and outdoor recreation; agricultural related businesses; and low-density and cluster residential as appropriate so as to not to be in conflict with farming operations. The summarized intent of the Environmental Protection Area is to ensure that future forest, farmland, and residential development in and adjacent to this area is considerate of the natural character and surroundings.

The 2009 Comp Plan is silent on compatible zoning designations determined to be consistent with the land use designations and their corresponding goals, policies, and objectives. The Comp Plan is also silent on planned development densities for the land use designations, and is relatively silent on the concept of Development Districts or Planned Unit Developments noting however, "the Town should review existing Development Districts in the context of the Future Land Use Plan keeping in mind the benefits these commercial enterprises provide to the Town".

The subject site was zoned as a development district in May 1979, and in 2019 when the Town repealed and replaced its zoning map, it zoned the subject site as 'Development District No. 3: Bar/Restaurant/Trailers'. The current allowable uses in DD3 are bar and restaurant, and the maintenance of a 'mobile home'. In the 2019 town-wide rezone, the Town zoned adjacent and nearby lands designated as Agricultural Priority Area to Agricultural/Rural (A/R), Residential (R), Business (B1), and Development District No. 9: Flo-Tech (DD9), see image below. The allowable uses and permit process to permit them, along with the development standards for these zones, are listed in CTU Articles [V](#), [VII](#), [XV](#), and [XIX](#) respectively. In sum, single detached dwelling units are permitted in the A/R and R zones; recreational uses are permitted in the A/R and R zones but require a special use permit from the Planning Board; and uses such as community centers and places of amusement, such as bowling alleys, game arcades, miniature golf courses, and skating rinks, are permitted in the B zone but require site plan approval from the Planning Board.

Rezoning Option 1: rezone the western half of the subject lot to A/R or R and rezone the eastern half to B1 (current request of the applicant). The rezone of the western half to A/R or R would facilitate the proposed development of

single detached dwelling units as an allowable use, and is arguably defensible to be compatible with the FLUP. Allowable density varies between the A/R and R zones based on lot development standards, discussion with the applicant on scope and needs is required to further analyze and compare to existing zoning regulations. Rezoning the eastern half to B1 may present as a conflict with the FLUM without the need for a land use designation amendment; however, it's worth noting there are several similar precedents the Town set with the 2019 town-wide rezone: lands designated as Agricultural Priority Area rezoned B1 include 1974 Trumansburg Road (Stover Lumber), 1700 – 1712 Trumansburg Road (incl. Mama Said Hand Pies), 1648 – 1654 Trumansburg Road (incl. Route 96 Self Storage); lands designated as Conservation Area rezoned B1 include 1500 Taughannock Blvd (New Park Hotel), 2030 Gorge Road (Inn at Taughannock Falls); and lands designated as Natural Area/Parkland rezoned B1 include 2078 – 2088 and 2094 – 2100 Trumansburg Road (incl. Subway and Kinney Drugs). Staff recommend the Town not re-iterate apparent conflicts with the FLUM and amend the land use designation concurrently with the rezone if Option 1 is chosen. A similar approach is discussed in Option 2.

Rezoning Option 2: rezone the western half of the subject lot to A/R or R and retain the eastern half zoned DD3 with no changes to the regs for now but incorporate the request of a FLUM amendment with the periodic comp plan update currently underway. Similar to Option 1 for the purposes of rezoning the western half to A/R or R. The rezone of the eastern half to B1 should readily be defended by the FLUM. Comp plan updates, whether annual or periodic, often include requested amendments to land use designations concurrent with rezone requests. The tradeoff with this approach is that it will provide opportunity for the Town to fully analyze this site-specific request with the town-wide FLUP amendment, but does not provide the applicant assurance the amendment will be approved with the comp plan update and the subsequent rezone supported.

Rezoning Option 3: rezone the western half of the subject lot to A/R or R and keep the eastern half zoned DD3 with a code amendment to the DD3 regs to make recreation/indoor sports facility an allowed use. Similar to Option 1 for the purposes of rezoning the western half to A/R or R. As the subject site is already zoned DD3, the eastern half of the lot would not be subject to a rezone and thereby would circumnavigate an apparent disconnect with the FLUM. The zoning code would need to be amended (which will be a required process for the proposed action regardless of rezone option should the Town rezone the property) to codify the requested use as allowable. Discussion with the applicant on scope and needs is required to further assess this option and to further analyze other viable uses, which could be conducted through a sketch plan review as part of the overall process.

Rezoning Option 4: rezone the entire parcel to A/R or R. Similar to Option 1 for the purposes of rezoning the western half to A/R or R. If the eastern half of the lot were zoned A/R or R, recreational uses are a listed allowable use with a special use permit. Discussion with the applicant on scope and needs is required to further analyze and compare to existing zoning regulations as there are significant differences between the development standards for DD3 and B1 compared to A/R and R. The tradeoff with this approach is the rezone is arguably defensible to be compatible with the FLUP but does not provide the applicant assurance the special use permit will be granted.

Rezoning Option 5: rezone the western half of the subject lot to A/R or R and conditionally approve a rezone of the eastern half to B1. Similar to Option 1 for the purposes of rezoning the western half to A/R or R. Per Local Law, the Town may at its discretion approve rezone requests with imposed conditions. Potential conditions could include stipulations that development of the subject site be approved through site plan approval, and should progress towards completion occur within agreed timeframes, the FLUM for the east half of the lot would be amended and the rezone finalized, otherwise the eastern half of the lot would remain Agricultural Priority Area and DD3 or A/R - R. This option is akin to contract rezone process which are permitted in some states but not New York. Legal is currently reviewing whether Local Law and this option are legally viable. The benefit of this option is that it would provide upfront design review process for the Town and would offer the applicant good faith assurance that if they uphold to the approved conditions, the FLUM amendment and rezone will occur.

REQUEST TO THE PLANNING BOARD

Review the information in this memo, the [applicant's submittal items](#), [Town Board Resolution 2025-051](#), review the [applicant's presentation to the Town Board](#) during their 02.11.2025 meeting, review the [applicant's amended map](#), and consider additional materials that may be needed by the Board from the applicant, staff, and/or Legal to facilitate its deliberations.

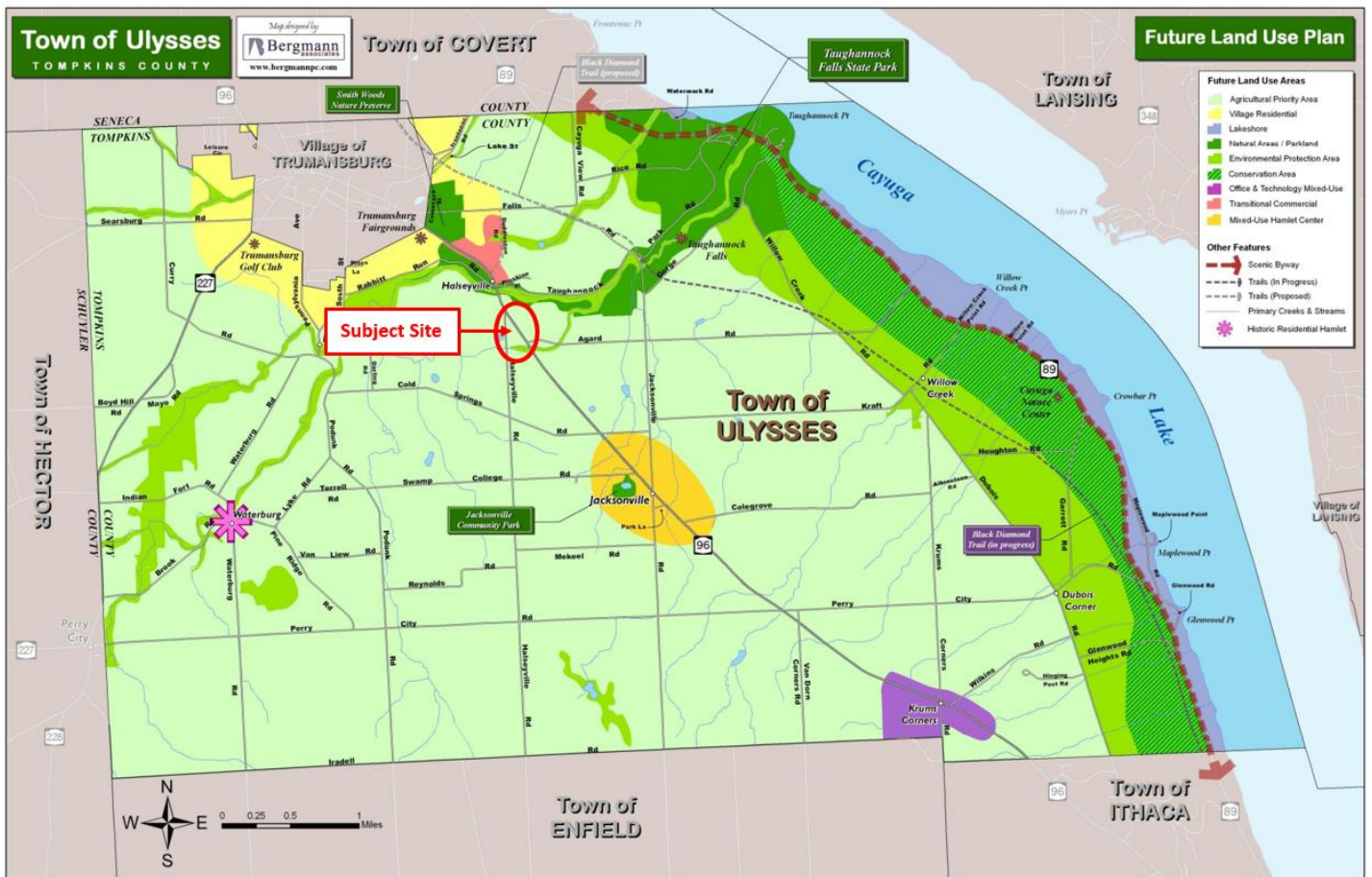


Image 1: 2009 Future Land Use Plan

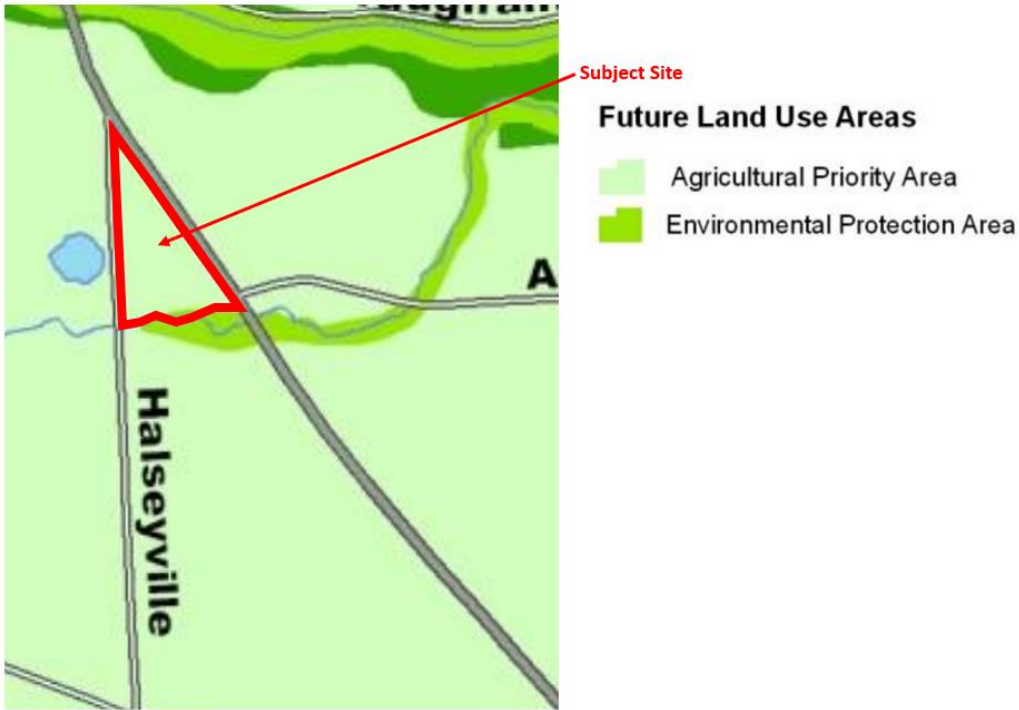


Image 2: Land Use Designations of Subject Site and Surrounding Areas

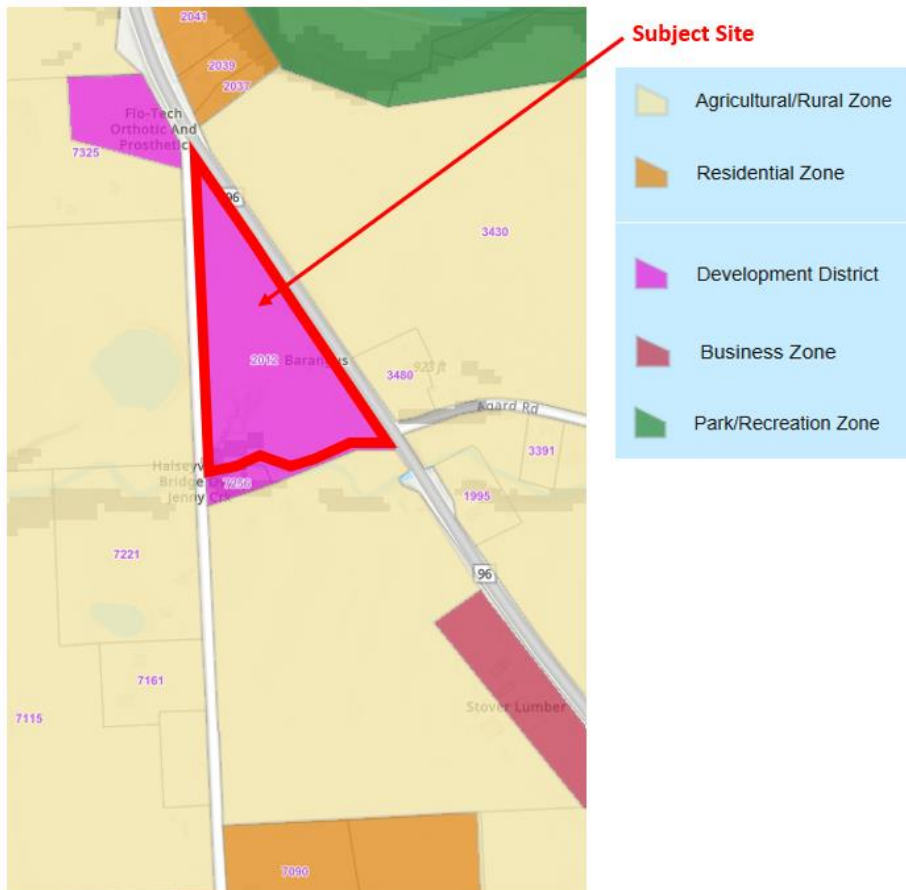


Image 3: Current Zoning of Subject Site and Surrounding Areas