



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning & Development Director

DEPARTMENT: Planning & Development

MEETING: Planning & Zoning Commission – November 10, 2021

SUBJECT: **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 N. Lake Park Blvd.
Applicant: JSL CB Properties LLC

BACKGROUND:

The applicant, JSL CB Properties LLC, applied for a Conditional Zoning application for an eating and drinking establishment in the Highway Business District. The proposal includes providing on-premise wine and beer. When on-premise alcohol is being served and you are not classified as a standard restaurant then the ordinance defines you as a bar. A bar is allowed through the approval of a conditional zoning district in the Highway Business District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, The review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning & Zoning Commission may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following details:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

Proposal:

The applicant is proposing to renovate the former first citizen bank building located at 612 N. Lake Park Blvd. The business will also serve coffee along with beer and wine. The purpose of the Highway Business (HB) district is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, businesses in the HB district serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

The existing building was built in 1984 and meets the current the setbacks and lot coverage requirements. No additions are proposed outside of the current footprint. The applicant is providing the 23 parking spaces based on 110 Sq. ft. of indoor area. The requirements for sidewalks or additional landscaping does not apply to existing buildings unless 50% or more of the renovation cost exceeds the value of the building.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on September 29, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan it supports to sustain a healthy and vibrant locally-oriented economy.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a bar located at 612 N. Lake Park Blvd.

Staff recommends approval of the project as proposed.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 612 N. Lake Park Blvd. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.