



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – September 10th, 2024

SUBJECT: **Conditional Zoning** to consider an addition to a bar at 3 Cape Fear Blvd
Applicant: Ant Bates Motel LLC

BACKGROUND:

The applicant, Ant Bates Motel LLC, applied for a Conditional Zoning application for an addition to an existing bar/tavern in the Central Business District. The establishment provides on-premise wine, beer, and liquor. According to the ordinance, if alcohol is served on-premise and the establishment does not meet the criteria for a standard restaurant, it is classified as a bar. The ABC stipulates that a restaurant must have food sales constituting at least 30 percent of their sales, to avoid being classified as a bar. A bar and any additions made to the bar is allowed through the approval of a conditional zoning district in the Central 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 have such significant impacts on both the immediate area and the broader community that general district standards cannot adequately address them. Additionally, there are situations where a general district designation allowing a use by right would not be suitable for a specific property, even though the use itself might be appropriate. The review process accommodates these cases by reclassifying the property into a conditional zoning district, with conditions designed to ensure that the use aligns with and does not disrupt 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 Council 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 construct a second story on an existing bar. The proposal includes addition of a staircase, 2nd floor enclosed area (837sf), open deck area (648sf) and update of plumbing, mechanical, and electrical. The proposed height of the building is 21'.

The purpose of the Central Business District is to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and services activities, including retail, business, office, professional financial, entertainment, and tourism. The regulations of this district are intended to encourage the use of land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the Town's infrastructure. Developments which would significantly disrupt the historic balance between pedestrians and automobiles within the district, thereby destroying the pedestrian-oriented nature of the area, are specifically discouraged. Large, off-street parking

areas are encouraged to locate outside of the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.

The existing building is a commercial building built in 1945. It meets the current lot coverage and setbacks requirements. The addition proposed is within the current footprint. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area. Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use.

Proposed Conditions

1. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state or local law, ordinance or regulations.
2. The building is in the AE 10 flood zone. Renovations to the building exceeding 49 percent of the value of the building shall meet FEMA requirements.
3. Sloped railing shall be used on the 2nd floor bar area.
4. Use of noncombustible materials for Fire.
5. Alleyway shall be free of obstructions and debris.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on June 17, 2024. 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 sustaining a healthy and vibrant locally oriented economy. This area is recognized as the boardwalk commercial area and central recreation district of town.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a bar addition located at 3 Cape Fear Blvd.

Staff recommend approval of the project as proposed.

P&Z recommended approval 6-1.

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 an addition to a

bar located at 3 Cape Fear. 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.