



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – October 10<sup>th</sup>, 2023

**SUBJECT:** **Conditional Zoning** to consider a Bar at 801 Saint Joseph Street in the Highway Business District (HB).  
Applicant: Putter Pub, LLC

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### **BACKGROUND:**

The applicant, Putter Pub, LLC, is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business District. Bars are allowed through the approval of conditional zoning in the Highway Business District. The proposal includes an accessory 18-hole mini golf course and on-premise alcohol sales. Under the eating and drinking establishment regulations, when on-premise alcohol is being served it requires conditional zoning.

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 nature or scale that they have significant impacts on both the immediate 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 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 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 the 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, Council 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:

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 leasing an 860 sq. ft. commercial building on a 10,256 sq. ft. lot at 801 Saint Joseph Street. The building was most recently a t shirt printing shop and locksmith business. The building was built in 1983 and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street there is a multifamily condo building in the Marina Business District. The applicant is proposing to renovate the existing building for the use of a bar with an accessory putt-putt outdoor area. Modifications to the building also include the construction of ADA bathrooms, bar, storage, and office area. The purpose of the Highway Business District is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, business in the HB district serves 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.

Consumption of alcohol on site constitutes a change of use and therefore a change in the parking requirement. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area. The total indoor gross floor area of the building is 860 square feet. The total number of required

spaces for the project is 8. No outdoor gross floor area proposed currently. There is no proposed service area outside. The parking area will remain gravel and will be designed to meet one way traffic for 90-degree parking. Concrete aprons must be installed in the driveway. The applicant proposes an 8' fence along the rear property line which must be approved by Planning and Zoning and Town Council.

The applicant is requesting a waiver to the landscaping requirement around the new accessory putt-putt area. Landscaping requirements may be waived at the discretion of the Planning and Zoning Commission and Town Council on projects requiring conditional zoning. The applicant meets the 200' separation requirement from schools, churches, and residential districts. The proposal includes removing the existing dumpster and utilizing rollouts to handle trash. There is a proposed 8' multi-use path that will adjacent to the property along the Saint Joseph St right-of way.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on May 23<sup>rd</sup>, 2023. 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 neighboring properties.

### **Proposed Conditions**

1. The proposed use shall be limited to an indoor bar with an accessory putt-putt outdoor area.
2. 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.
3. A Type A landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by Planning and Zoning and Town Council.
4. The 20' drive aisle shall be designated and marked as one-way with signage.
5. Outdoor lighting shall be installed as to not disturb neighboring properties.
6. Shall provide drainage plan prior to building permit issuance and meet stormwater ordinance.
7. The building is in the AE 11 flood zone. Renovations to the building exceeding 49 percent of the value of the building shall meet FEMA requirements.
8. Concrete aprons required, stormwater must be contained on-site for all new impervious surfaces installed.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and promoting redevelopment. The project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area. This is a higher density area with a mix of uses, within the district and individual buildings.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a bar located at 801 Saint Joseph Street.

Staff recommends approval of the project with the proposed conditions.

Planning and Zoning recommended unanimous approval.

**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 801 Saint Joseph Street 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.