



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – 13 SEPTEMBER 2022

**SUBJECT:** **Conditional Zoning** to consider a Hotel with a Restaurant and Bar located at 205, 207, 209 N Lake Park Blvd and 204 Harper Avenue in the Central Business District.  
Applicant: Jefferson C Woodall, Architect

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### **BACKGROUND:**

On behalf of the owners, the applicant, Jefferson C Woodall, applied for a Conditional Zoning application for a 4-story hotel with a rooftop bar, restaurant, and retail located at 205, 207, 209 N Lake Park Blvd and 204 Harper Avenue in the Central Business District. Hotels and bars are permitted by conditional zoning in the Central Business District. Restaurants and retail are permitted by right. As some of the proposed uses are only permitted by conditional zoning, the entire project must be approved by 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 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, Town 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, Town 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 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 4-story hotel with a rooftop bar and restaurant consisting of 42 hotel units located at 204 Harper Avenue, 205, 207, & 209 N Lake Park Blvd. The proposed project is a locally owned and operated boutique hotel by the same developers of The Hive in downtown Wilmington. The subject property consists of a single-family home and where the Welcome Inn once operated. The ground floor will consist of a covered parking structure, hotel entrance, and commercial space. The second floor will have 12 sleeping rooms, a pool, pool bar, and green space. The third and fourth floors will each have 15 sleeping rooms.

The rooftop will consist of a café/bar. The commercial spaces will be open to both hotel guests and the public.

The purpose of the Central Business District (CBD) 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 service 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 the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.

The Central Business District does not have any required setbacks, density, or lot coverage. The applicant is providing the required 42 parking spaces per sleeping room. No additional parking is required for the restaurant, bar, and retail space because adequate public parking is provided within 500 feet of the use. There is an access easement to the west of the property for the neighboring residential structure. The applicant is providing the required street trees and a 6-foot fence along the sides of the property abutting residential uses. The maximum building height for the CBD is 50'. The applicant is proposing a total height of 59'4". The Zoning Ordinance requires buildings over 50' to be approved via conditional zoning. Building height is measured from the highest appurtenance on the structure to the front street line. For hotels, appurtenances ten feet or less in height shall be exempted from the height measurement. The rooftop bar will be an open-air bar with an open cabana roof. Approximately 750 square feet of covered area is proposed above 50', bathroom facilities are required per building code. The combined square footage of the 4 properties is 31,179 square feet. 15 residential units are currently on the property. The Engineer for the project estimated Sewer Design Flow at 8,400 gallons per day and Water Flow usage is 140% or 11,760 gallons per day. Per the Utilities Director, the Town's current infrastructure can absorb the impact of the project with no required upgrades at this time.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on July 1, 2022. 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 for the Central Business District. The land use plan supports the central business district as a destination downtown with

activities for families, residents, and visitors. Protecting the character of the district is important. The plan encourages 3-4 story buildings within the Downtown Business area. The Central Business District Master Development Plan (2008) promotes revitalization. Although the plan is more than a decade old, the goals are still relevant including creating a mix of uses, supporting economic development, creating a unique built environment, protecting natural resources, and facilitating multi-modal circulation.

Goals of the Land Use Plan include enhancing the functionality of major thoroughfares, preservation and protection of mature trees, eliminating redundant driveways, and relocating major entrances to business uses to secondary and side roads. The applicant plans to relocate or maintain live oaks on site, eliminate 3 driveway cuts from N Lake Park Blvd, and traffic will ingress and egress off Harper Avenue. The applicant also plans to expand the sidewalk width on N Lake Park Blvd. Existing pedestrian facilities in the area include signalized pedestrian crossings and the intersection of Harper and N Lake Park Blvd and there are existing sidewalks on Harper and N Lake Park. A future multi-use path is planned for Harper Avenue within 3-4 years. The Land Use Plan suggests that the Town continues to evaluate electric line burial as part of other major maintenance and capital improvement projects.

**ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a 4-story hotel with rooftop bar and restaurant at 204 Harper Avenue, 205, 207, & 209 N Lake Park Blvd

Staff recommends approval of the project as proposed.

The Planning & Zoning Commission recommended unanimous approval with conditions listed on the Grant Order with the addition of the following conditions:

1. Add additional landscaping on the south side of the property between the building and the property line.
2. Utilize transparent railings and guardrails for the rooftop bar per elevation drawings.
3. The walkable surface limited to 50' in height.

**MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a 4-story hotel with rooftop bar and restaurant at 204 Harper Avenue, 205, 207, & 209 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.