



## TOWN OF CAROLINA BEACH

1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428

---

# PLANNING & ZONING COMMISSION MINUTES

February 10, 2011

7:00 P.M.

---

## AGENDA

- ITEM #1**      **Call to Order & Roll Call**
- ITEM #2**      **Approvals of the Minutes:** January 13, 2011
- ITEM #3**      **Staff Report on Recent Council Meeting(s)**
- ITEM #4**      **Public Discussion**

### ITEMS FOR PUBLIC COMMENT

- ITEM #5**      **Conditional Use Permit** to convert a 2 unit building into 3 units by utilizing the allowances for planned unit developments.  
**Applicant:** Michael Bartz  
**Requested Site:** 211 Florence Avenue; 313010.45.8853.000  
**Zoning:** MX
- ITEM #6**      **Conditional Use Permit and a Vested Right** for a “Site Specific Development Plan” to renovate, convert and expand the existing building into hotel rooms.  
**Applicant:** David Pierce  
**Requested Site:** 104 Winner Avenue; 313006.47.9654.000  
**Zoning:** HB
- ITEM #7**      **Text Amendment:** To allow the recombination of legal lots with improperly platted lots along Virginia Avenue only.  
**Article amended:** Article 12, Subdivision Regulation  
**Applicant:** Town of Carolina Beach
- ITEM #8**      **Text Amendment:** Allow existing drive-thru facilities in the CBD to exist, expand, and/or improve, but prevent allowances of any new drive-thru facilities to locate in the CBD  
**Article amended:** Article 3 18, and 23.  
**Applicant:** Town of Carolina Beach  
**Zoning:** CBD, HB

# MINUTES

## **ITEM #1 Call to Order & Roll Call**

**7:00 pm**

Commissioner Reynolds calls the meeting to order.

Commissioners Present:

Sarah Efird  
Greg Reynolds  
Brett Keeler  
Tom Bridges  
Jessica Keenan

Commissioners Absent:

Leah Garcia

Staff Present: Gary Ferguson, Planning Director; Ed Parvin, Senior Planner; Brenda Butler, GIS Technician; Kaysie Pralle, Secretary

## **ITEM #2 Approval of the Minutes**

**7:02 pm**

### MOTION

Commissioner Efird made the motion to approve the January 13, 2011 minutes as amended. Commissioner Keeler seconds the motion. **Motion passes unanimously (5-0).**

## **ITEM #3 Staff Report on Recent Council Meeting(s)**

**7:03 pm**

Mr. Ferguson reviewed Town Council's decision's on:

- Shower enclosures

## **ITEM #4 Public Discussion**

**7:03 pm**

None.

Brenda Butler presented the commission with Connect GIS software.

**ITEM #5**      **Conditional Use Permit** to convert a 2 unit building into 3 units by utilizing the allowances for planned unit developments.

**ED PARVIN PRESENTS HIS MEMO**

**7:27 pm**

**SUMMARY OF THE REQUEST**

The applicant, Michael Bartz is asking for a conditional use permit to renovate and convert the existing duplex at 211 Florence into a triplex. Multi-family is allowed by conditional use permit in the MX zoning district.

The request will not result in any site dimension changes to the current building. The total lot coverage on the site is 3,770 square feet. The lot is 8050 sq. ft. The lot is not located in a CAMA area. The lot is in a flood zone (AE-13). The estimated base floor elevation is at 9.32'

Zoning Setbacks	Front (Florence)	Front (Harper)	Side (East)	Side (West)
MX required	20'	20'	7.5'	7.5'
Provided	0.0'	10'	14'	6'

Lot Coverage	
MX maximum	40% (includes buildings, decks, steps)
Current	46.8%
Proposed	46.8%

In accordance with Sec. 14.8 of the zoning ordinance no conditional use shall be granted by town council unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

*Specific standards. Applicant must make provisions for:*

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

The on-site parking design will not be changed. All vehicles will continue to back out onto either Florence or Harper. There are existing 4' sidewalks on both Florence and Harper.

- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

In accordance with the zoning ordinance a hotel/motel is required to provide 1 parking space per sleeping room.

LAND USE	Existing Parking Spaces	Parking Provided	Required Parking
Triplex	4	6	6

- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;

Existing refuse facilities are Roll-out units that are stored on the eastern gated area of the building.

(4) Utilities, with reference to locations, availability, and compatibility;

No upgrades in water, sewer or power are required for the renovations and addition.

(5) Screening and buffering with reference to type, dimensions, and character;

No changes in landscaping are proposed to site.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

No signs are proposed for the site.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

A 5' landscaping buffer applies to triplex and greater developments. This buffer yard may be waived upon approval of Town Council. Mr. Bartz is requesting the landscaping be waived.

*General conditions.*

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The actual use of the property will be conforming.

(2) That the use meets all required conditions and specifications;

Town staff has reviewed the proposal to ensure it meets all requirements for a CUP. However, many existing nonconformities will remain on the site. There are some nonconformities that staff is unable to verify when or how they were approved (i.e. over 40% lot coverage and 0.0' setbacks). Although allowing a CUP on the property for three units is consistent with the zoning ordinance, allowing a more intense use to be allowed without rectifying illegal situations would not be consistent with zoning regulations.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the area.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies.

The desired Future Land Use of the Mixed Use 3 area includes a continued relatively dense residential and commercial lodging use, with single-family and duplex units becoming more

prominent for the more landward portions of Mixed Use 3 (west of Lake Park Boulevard). Density will be comparatively high with 5,000 to 6,000 square foot lot minimums, and density ratios averaging around 17 units per acre. The density for this lot (3 units) will be at 17 units per acre.

#### SUMMARY OF THE ALLOWANCES REQUESTED FOR THIS SITE

1. Relief from providing curbs, and gutters; and
2. Waiver from providing the Type A landscape buffer yard

#### PLANNING STAFF RECOMMENDATION

Staff recommends approval of the CUP as stated in the proposed grant order. The proposed grant order lists TRC conditions; the 7 specific standards; and the 4 general conditions. The 4 general conditions include a statement that the CUP is in general conformity with the 2007 Land Use Plan.

#### TRC RECOMMENDATION

TRC recommended approval. Concerns from TRC are addressed in attachment #1 and on the site plan.

#### MOTION

**7:27 pm**

Commissioner Keeler made the motion to recuse Chairman Reynolds from Items 5 and 6 due to a possible conflict of interest. Commissioner Efirm seconded the motion. **Motion passes unanimously (5-0).**

#### DISCUSSION

**7:34 pm**

There was a general discussion regarding the conversion of 211 Florence Avenue from a duplex to a triplex.

Property owner, Mike Bartz presented to the commission.

- He has repaired all of the current violations and is awaiting final inspection from the town
- One unit of the property is currently being rented.
- Intends to live in the middle unit when he returns to Carolina Beach
- Plans to keep the Live Oak on the property, but push the fence back 10-12 feet which will increase parking

Planning Commission options/concerns:

- Timeframe to make the required improvements, including parking
- The repair of the fence on the property

#### MOTION

**7:50 pm**

Commissioner Keener made the motion to approve the conditional use permit on 211 Florence Avenue, that it is consistent with the TRC conditions and staff recommendations, including a recommendation to Council that the project is completed in a timely manner. Commissioner Bridges seconds the motion. **Motion passes unanimously (4-0).**

**ITEM #6** Conditional Use Permit and a Vested Right for a “Site Specific Development Plan” to renovate, convert and expand the existing building into hotel rooms.

**ED PARVIN PRESENTS HIS MEMO**

**7:53 pm**

**SUMMARY OF THE REQUEST**

The applicant, **David Pierce**, is asking for a conditional use permit and approval of a site specific development plan for a phased project. Phase 1 includes completing renovations to convert the existing building into 6 hotel rooms. Phase 2 includes adding 6 additional units directly above the existing building. The hotel rooms will be run out of the Drifter Reef Hotel located at 701 North Lake Park Blvd. The property is approximately 400 feet NE of Drifter’s Reef Hotel. Hotels (motels) are allowed by conditional use permit in the HB zoning district. The building is the former location of an audio & video recording studio, photography studio, green screen usage and teaching of all aspects of music and video. The existing building is nonconforming concerning setbacks.

The lot is 8,865 square feet in size. The total square footage of the building is approximately 2,633 square feet. The lot is in an AE-12 flood zone.

<b>Zoning Setbacks</b>	Front (Winner)	Side (West)	Side (East)	Rear (North)
HB required	30’	10’	10’	15’
<b>Provided</b>	<b>64’</b>	<b>7.2’</b>	<b>5.5”</b>	<b>8”</b>

<b>Lot Coverage</b>	
HB maximum	60% (includes buildings, decks, steps)
Current	29.57%
<b>Proposed</b>	<b>29.57%</b>

In accordance with Sec. 14.8 of the zoning ordinance no conditional use shall be granted by town council unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

***Specific standards. Applicant must make provisions for:***

- (6) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

**The on-site parking design will not be changed. All vehicles can currently enter and exit the site in a forward motion.**

The determination of required curb, gutter and/or sidewalk shall be made by the Town Council upon review and recommendation by the Planning & Zoning Commission. Installed curb, gutter and sidewalks shall be installed for the entire length of the property. Required sidewalk shall be based upon one or more of the following:

- (a) reasonable evidence that the sidewalk would be essential for pedestrian access to community facilities;

**No community facilities are located on Winner Avenue**

(b) that such is necessary to provide safe pedestrian movement outside the street or street rights-of-way area;  
**An increase in pedestrian travel could be anticipated from 104 Winner Avenue to the Drifter’s Reef Motel. Sidewalks do exist on the west side of Lake Park Blvd. No sidewalks exist on Winner Avenue.**

(c) that such an extension could reasonably become an extension of existing sidewalks and/or other pedestrian ways.

**Lake Park Blvd. does have a multi-use path proposed on the east side of the street that stops at Winner Avenue. Sidewalks on Winner could be a good connection to Saint Joseph Street.**

(7) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

**In accordance with the zoning ordinance a hotel/motel is required to provide 1 parking space per sleeping room.**

LAND USE	Existing Parking Spaces	Parking Provided	Required Parking
Proposed Hotel Rooms	12	12	12

(8) Refuse and service area, with particular reference to the items in (1) and (2) above;

**Roll away dumpsters will be stored on the SW corner of the building.**

(9) Utilities, with reference to locations, availability, and compatibility;

**No upgrades in water, sewer or power are required for the renovations and addition.**

(10) Screening and buffering with reference to type, dimensions, and character;

**A type “B” buffer yard is required around the perimeter of the site. No changes in landscaping are proposed to site.**

(8) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

**A sign permit will be required for any new signs erected on the site. No new planned exterior fixtures are planned at this preliminary stage of the project. There is currently a street light illuminating a part of the existing parking lot and surface mounted exterior porch lights (to remain). If any lights are added during the formation of construction documents, patterns will be provided to show no spill-over to neighboring properties.**

(9) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

**The site will maintain the existing vegetation. A waiver is being requested from providing a Type B buffer yard.**

**General conditions.**

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

**The use of the property will change from nonconforming to conforming.**

- (2) That the use meets all required conditions and specifications;

**Town staff has reviewed the proposal to ensure it meets all code requirements.**

- (5) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

**The proposed use is in keeping with the commercial character of the area and will therefore not injure the value of adjoining properties.**

- (6) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies.

**The 2007 Land Use Plan states the desired uses of the Highway Business areas shall primarily include retail, office, restaurant, entertainment, and service. Although hotels are not specifically listed, the hotels locating in the HB area have provided additional sleeping rooms for Carolina Beach. Providing more accommodations that “puts heads on beds” supports tourism which is highly supported by the 2007 Land Use Plan.**

**SUMMARY OF THE ALLOWANCES REQUESTED FOR THIS SITE**

1. Relief from providing sidewalks, curbs, and gutters; and
2. Waiver from providing the Type B landscape buffer yard

**PLANNING STAFF RECOMMENDATION**

Staff recommends approval of the CUP as stated in the proposed grant order. The proposed grant order lists TRC conditions; the 7 specific standards; and the 4 general conditions. The 4 general conditions include a statement that the CUP is in general conformity with the 2007 Land Use Plan.

**TRC RECOMMENDATION**

TRC recommended approval. Concerns from TRC are addressed in attachment #1 and on the site plan.

**DISCUSSION**

**8:00 pm**

There was a general discussion regarding the renovation, conversion and expansion of the existing building into hotel rooms.

Planning Commission options/concerns:

- The addition of the second floor exceeding the fifty percent increased value maximum

- The possibility of exceeding thirty feet
- The request for sidewalk, landscaping, curb and gutter waivers
- Requesting white crosswalks from the DOT
- This is consistent with IUP and the area

Mr. Ferguson options/concerns:

- The improvements to the first floor would change the numbers, increasing the fifty percent value
- The town does not have a cumulative rule, so he would not be in violation

Mr. Parvin options/concerns:

- There is no current consideration from the town to add crosswalks

Property owner, David Pierce presented to the commission.

- Would like to renovate and convert the property into six units
- He is requesting approval to be consistent with current standards, not special conditions
- There is a shortage of quality, efficiency units within the town
- He is also considering the option of pylons to make the upper units a second unit, if needed

## **MOTION**

**8:17 pm**

Commissioner Keeler made the motion to approve the CUP as stated in the proposed grant order, to conform with current standards and the 2007 LUP and include the waivers for landscaping, curb, sidewalks and gutters. Commissioner Efirm seconds the motion. **Motion passes unanimously (4-0).**

Commissioner Keeler made the motion for Commissioner Reynolds to rejoin the commission. Commissioner Keenan seconds the motion. **Motion passes unanimously (4-0).**

**ITEM #7**     **Text Amendment:** To allow the recombination of legal lots with improperly platted lots along Virginia Avenue only.

**Gary Ferguson PRESENTS HIS MEMO**

**8:19 pm**

**Summary of the Request**

At the January 11, 2011 Town Council meeting staff was authorized to sign off on a recombination subdivision plat for Mr. Ernie Perry that combined a legal lot of record which fronts on Virginia Avenue with a lot that is directly behind this and which was never approved by the Town. Mr. Perry's lot which is located at 104 Virginia Avenue is similar to other properties fronting on Virginia Avenue that also have "deeded" but never approved lots that they may wish to recombine in the future. Staff is proposing an amendment to our subdivision ordinance that will allow these recombinations to occur along Virginia Avenue only.

**Background:**

On June 18, 1973 the Town adopted its first subdivision ordinance. After that date all subdivisions of land that are not exempt subdivisions as identified in the General Statutes as well as our subdivision ordinance are required to go through a process of review and approval by both the Planning and Zoning Commission as well as Town Council.

When the development known as Oceana (formerly Spinnaker Point) was under construction, a haul road was created by the developer which was located directly behind the lots fronting on Virginia Avenue. When Oceana was completed this strip of land was subdivided and lots were sold by metes and bounds description and recorded in New Hanover County Register of Deeds but without Town approval. Most, but not all of these deeded lots are owned by the same people that have road frontage on Virginia Avenue. (see attachment #1 and #2).

According to the General Statutes, deeded lots that have not been reviewed and approved by the Town would be subject to a Class 1 misdemeanor and the Town could withhold building permits for these illegally created lots. Keep in mind however, that it is the subdivider and not the purchaser of these lots that is subject to the misdemeanor penalty and who, in this case, is now deceased.

Given the existing situation, staff is recommending the attached ordinance which will allow for the recombination of platted and approved lots with the deeded lots. This ordinance will not allow for any of those deeded lots to be built upon but only to be recombined with the lots fronting on Virginia Avenue.

In addition and if recombined, each portion of the lot will be required to respect the development regulations for each zoning district even though the lot will be "split zoned" between R-1B and Conservation. Attachment #3 is provided as an example of how Mr. Perry will be complying with the proposed amendment.

**STAFF RECOMMENDATION:**

Given the fact that there are only seven (7) of these deeded lots, one of which has been resolved (Mr. Perry), staff is recommending the adoption of this subdivision amendment for the following reasons:

1. This will provide a viable solution to those property owners fronting on Virginia Avenue to get some use of the deeded lots they purchased by allowing these recombinations.
2. No new lots will be created by this ordinance and existing legal lots of record will be nearly doubled in size.
3. No zoning impacts or changes in zoning boundary lines will result from this ordinance amendment.

**DISCUSSION**

**8:23 pm**

There was a general discussion regarding the recombination of legal lots with improperly platted lots.

**Planning Commission options/concerns:**

- The footprint expansion of the property on the lot
- The recombination would allow for the structure to be built up to the conservation line
- The current residents could only build additions to existing structures, not a new single family house

- Possibility of constructing an accessory structure in the conservation area
- Potential of structure additions to flood neighboring properties
- New construction being held to the same standards as additions to current structures
- Adding additional conditions to the six recommended by staff

Mr. Ferguson options/concerns:

- The property owner could protect the property from development by conservancy
- The priority are the six conditions presented by staff
- The staff are looking for ways to make the conditions that would prevent the construction on properties on these marsh lots
- The consideration of the bordering conservation lots to align with the lots on Virginia Avenue
- Conservation minimums require 80,000 square foot to build, which none of these lots meet
- Adding the condition of no “detached” accessory structures

**MOTION**

**8:47 pm**

Commissioner Reynolds made the motion to support the recommended amendments to Article 12, Sections 37 and 86, with the addition of items as recommended by Council and that no detached structure be allowed in the setback. Commissioner Keenan seconds the motion. **Motion passes unanimously (5-0).**

**ITEM #8 Text Amendment:** Allow existing drive-thru facilities in the CBD to exist, expand, and/or improve, but prevent allowances of any new drive-thru facilities to locate in the CBD

**ED PARVIN PRESENTS HIS MEMO**

**8:50 pm**

**SUMMARY OF THE REQUEST**

On October 12, 2010, at the request of McDonald's Restaurant Town Council passed a provision under the zoning ordinance's nonconforming language that will exempt McDonald's from the regulations that limit expansions of nonconforming drive-thru restaurants. This allowance gave McDonalds and Hardees (the only two existing drive-thru restaurants) the ability to remain and expand, while at the same time preventing new drive-thru restaurants from locating in the Central Business District (CBD).

After reviewing McDonald's request and discussing allowances of vehicle dependent uses in the CBD, our Town Council, Master Development Plan Committee and Planning and Zoning Commission all agreed that staff should bring back the zoning ordinance's table of permitted uses (Table 3.8-1) as it pertains to the CBD. The goal of the analysis would be to remove vehicle dependent uses and any other uses that could be incompatible with the revitalization of the area. Future analysis will also need to be conducted to affirm that the uses allowed in the CBD comprehensively address the types of uses that should be seen in this area.

As one may suspect our CBD has the largest allowance for business uses. The zoning ordinance describes the purpose of this district as being established

*..." to accommodate a wide variety of pedestrian oriented, commercial and service activities including retail, business, office, professional financial, entertainment, and tourism...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."*

See **attachment 1** to view the uses that are currently allowed uses in our CBD. After reading the list there does appear to be many uses that are vehicle oriented or could be designed to be vehicle oriented, and therefore in direct conflict with the purpose of the CBD as defined by the zoning ordinance. Additional support for having a pedestrian oriented CBD can be found in our 2007 Land Use Plan (LUP) and Master Development Plan (MDP) as described below.

**LONG RANGE PLANNING**

According to LUP the desired Future Land Use of Commercial 2, (synonymous with the CBD), includes:

*"...a continued use as the traditional Town center. Predominant use of Commercial 2 will be for tourist and family-oriented retail and services, with other considerably less vehicle-dependent commercial businesses such as offices, commercial lodging, restaurant, and entertainment. The area will increase pedestrian/bicycle accessibility and interconnectivity within the Town center and to adjacent parts of Town. Emphasis on retaining the architectural style and traditional building appearance of the beach community should be a continued consideration in approving future developments and redevelopments. Single-family and multi-family residential uses will be allowed if they are dependent and subordinate to commercial uses. Transportation and traffic improvements are encouraged and will be sought from sources such as the North End Traffic and Circulation Study, the Metropolitan Planning Organization's Long-range Transportation Plan, the North Carolina Department of Transportation's Transportation Improvement Program, and a planned Fiscal Year 07-08 Town-wide Transportation Plan."*

After the development and adoption of the LUP the Town did complete a master development plan for the CBD area. Correlating with that study was a streetscape design study. The MDP lists five goals that describe key accomplishments Carolina Beach will strive to attain by implementing the Master Development Plan. Several of the goals discuss encouraging a variety of uses in the CBD, but also ensuring a strong pedestrian focus is maintained.

## VEHICLE DEPENDENT USES

Along with drive through facilities, automobile service stations have been removed from the CBD as this use may be something as considered out of character with a pedestrian oriented area. Automobile service stations strictly cater to motorist who need gas, repairs or may just want to stop for a snack. Stopping for a snack is not a vehicle dependent activity so if a similar use was proposed (i.e. convenience store) with no auto repair/gas it would be allowed under retail in the CBD.

Staff is also recommending adding drive-thru banks to the exemption in our nonconforming language to be consistent with the allowances granted to existing drive-thru restaurants. This will benefit the existing banks in the CBD with drive up windows which includes BB&T and Bank of America.

It should be noted that historically only two types of drive-thru facilities were listed in our table of permitted uses (restaurants and banks). Despite this, other uses (i.e. retail such as the Brew Thru) have been allowed to have drive-through windows. Under the ordinance proposed by staff a drive through facility will be listed as a separate use allowed in HB only. This means any use in the HB zone could incorporate a drive through, but it also means uses outside the HB will no longer have the ability to create a drive through. This regulation expands beyond the CBD and specific goal of this text amendment. Staff requests Planning and Zoning give a specific recommendation concerning this limitation.

## OPTIONS

### 1. No Change

The Town's long range planning documents support transitioning our CBD to be more pedestrian oriented. If no changes are made to the zoning ordinance then drive-in/thru businesses could continue to locate in the CBD. If new development takes advantage of this allowance then the area may increase in vehicle dependence with associated vehicular and pedestrian conflicts, especially on sidewalks.

### 2. Grandfather drive in/thru restaurants and banks in the CBD and specify drive in/thru facilities as a type of use in the Table of Permitted Uses (staff recommended option, see attachment #2)

Banks and restaurants are probably the most common land uses to incorporate drive thru windows, however, any commercial use could see an advantage to drive thru traffic (i.e. pharmacy, retail, etc). Rather than trying to identify each of the types of businesses that may decide to add a drive thru window it is easier to define "drive in/thru" as a generic use in the table of permitted uses and prohibit those in the CBD.

### 3. Remove all allowances for Drive in/thru uses

This option does encourage pedestrian oriented uses, but our existing *drive-in/thru* restaurants and banks could not expand and improve their property by more than 50% of their value in any calendar year.

## STAFF RECOMMENDATIONS

Staff recommends approval of option 2. Typically, downtown areas (CBD) do not permit drive-thru facilities. The Land Use Plan and Master Development Plan support pedestrian oriented uses in the CBD. To accommodate the existing Drive-thru facilities, staff recommends option 2, amending the non-conforming section to allow for the existing Drive-thrus to expand and improve but would not allow any new drive-thru facilities to locate in the CBD.

## DISCUSSION

**8:59 pm**

There was a general discussion regarding the allowance of current drive-thru facilities in the CBD and to prevent allowances of any new drive-thru facilities to locate in the CBD.

Planning Commission options/concerns:

- The addition of an overlay in the CBD to account for future growth in the area
- Limiting the allowance of new facilities could possibly further aggravate the current parking shortage

- These limitations would be a consideration for portions of the CBD, but not as a whole
- Other types of eating establishments could replace the current restaurants to appeal to healthier lifestyles
- Any new construction would need to be elevated, due to being in a flood zone
- Banks should not have unfair advantage over restaurants
- Allowing only the four current business lots to remain acceptable drive-thru locations regardless of the business type
- In comparison to other cities, most do not allow drive-thru's in their CBD

Mr. Ferguson options/concerns:

- The CBD is not money driven, it is vision driven
- Should the town say no to certain businesses because they do not align with the vision of the town?
- Consideration of an overlay to compliment the vision of the Master Development Plan
- Will this limit the use of the site or the business?

### **MOTION**

**9:25 pm**

Commissioner Bridges made the motion to grandfather drive thru's as outlined in option two presented by staff. Commissioner Keenan seconds the motion. **Motion failed (2-3). Commissioners Reynolds, Keeler and Efirm were opposed.**

Commissioner Reynolds made the motion to accept option two presented by staff, with the condition that it is tied to the property, and not the business. **Motion failed (2-3). Commissioners Bridges, Keeler and Efirm were opposed.**

Commissioner Keeler made the motion to amend Article 3, Section 18 and 23 to allow restaurants, eating or drinking, drive-in and drive-thru establishments are permissible and to keep everything else as is. **Commissioner Keeler withdrew the motion.**

Commissioner Keenan made the motion to appoint Commission Keeler as vice chair until the next scheduled election. Commissioner Reynolds seconds the motion. **Motion passed unanimously (5-0).**

The commission will meet with Council on February 22, 2011 to discuss considerations for the proposed Road Diet.

Commissioner Efirm made the motion to adjourn the meeting at 9:40. Commissioner Reynolds seconds the motion. **Motion passed unanimously (5-0).**