

# PLANNING COMMISSION



## STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

<b>MEETING DATE:</b>	February 24, 2015
<b>PROJECT:</b>	Unified Development Ordinance Text Amendment to Article 4 Zoning Districts and Article 9 Definitions to Permit a Café as a Conditional Use - Public Hearing
<b>PROJECT MANAGER:</b>	Kendra Lelie, AICP Director of Growth Management Growth Management

**REQUEST:** The Applicants, William Tapp and Chris Johnston, request that the Planning Commission recommend approval to Town Council, the following application:

**ZONE-12-15-9444.** A Zoning Text Amendment to amend Article 4, *Zoning Districts* and Article 9, *Definitions* permitting a café as a conditional use within the Neighborhood General HD (NG-HD) and Neighborhood Center HD (NCE-HD) districts.

**INTRODUCTION:** The applicant owns a parcel within the Neighborhood Center – HD (NCE-HD) District which does not permit a restaurant use because the lot does not meet the condition that a restaurant within the NCE-HD district must have frontage on SC Highway 46, Bruin Road, Burnt Church Road or Calhoun Street. The applicant opened a retail business on Lawton Street in July 2015 and is proposing a text amendment to permit a café use in the districts in which restaurants are currently conditionally permitted.

A café is proposed to be defined as an establishment where food and beverage is prepared, served and consumed primarily within the principal building provided alcoholic beverages are not possessed, distributed, consumed or sold. The proposed conditions include:

1. Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street, Lawton Street or Lawrence Street within the Neighborhood Center – HD zoning district.
2. Alcoholic beverages are not permitted to be possessed, distributed, consumed or sold on the property.

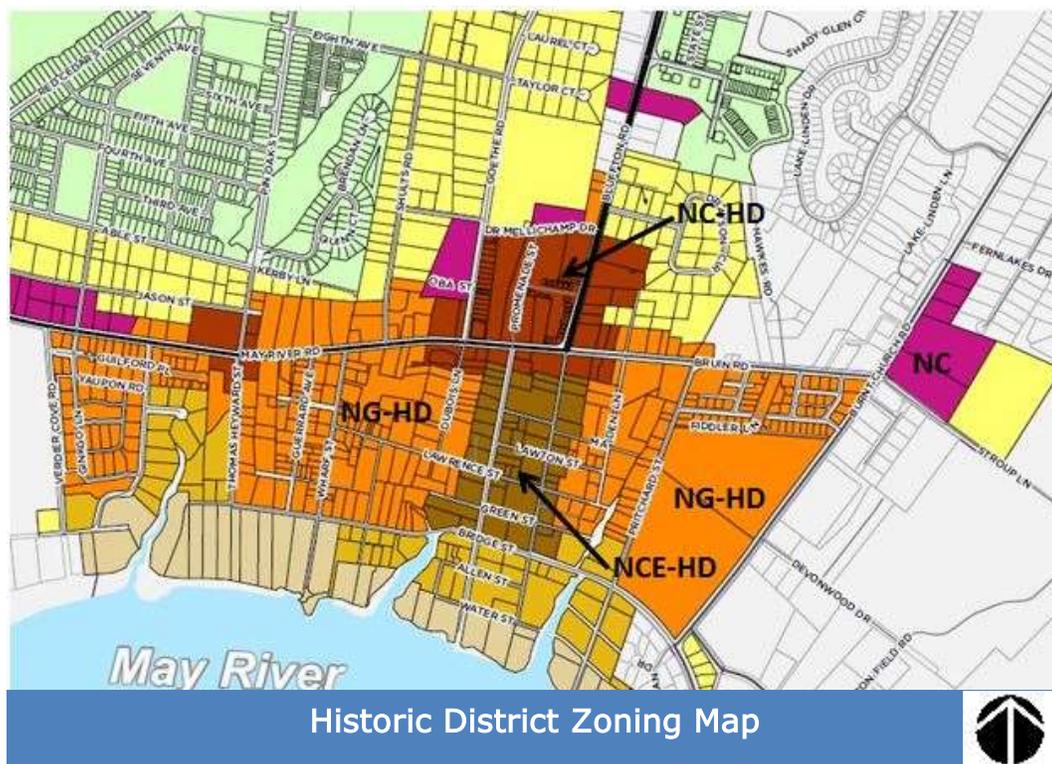
**BACKGROUND:** At the May 12, 2015 Town Council meeting, Town Council approved restaurants as conditional uses in the following districts:

- Neighborhood Core HD (NC-HD);
- Neighborhood General HD (NG-HD);
- Neighborhood Center HD (NCE-HD);

- Light Industrial (LI);
- General Mixed Use (GM);
- Neighborhood Core (NC); and
- Rural Mixed Use (RMU)

The conditions related to restaurant uses included the following:

1. Restaurants are conditionally permitted within the Neighborhood General Historic District (NG-HD) and the Neighborhood Center Historic District (NCE-HD) provided they have frontage on the following roads:
  - SC Highway 46;
  - Bruin Road;
  - Burnt Church Road; and
  - Calhoun Street.
2. Restaurants that are conditionally permitted within the Neighborhood General Historic District (NG-HD) and the Neighborhood Center Historic District (NCE-HD) would be permitted to have outdoor entertainment in the form of a acoustic guitar or television only (unamplified and no additional microphones or speakers) if they are adjacent to an existing residential use.



3. All conditionally permitted restaurants within the Historic District would have a distance condition that does not permit an outdoor patio or café that sells, serves, or permits consumption of alcoholic beverages to be located within 150 feet of the following existing uses:

- Religious Institution;
  - Publicly Owned Park;
  - School;
  - Residential Use (sole use of property); or
  - Outdoor Patio and Café that sells, serves or permits consumption of alcoholic beverages.
4. All outdoor patios and cafes require delineation with railings, ornamental walls, landscaping or other suitable features that are a minimum of three feet tall.

The UDO does not currently permit restaurant uses on the ladder streets (Church, Lawton, Lawrence, and Green Streets) within the NCE-HD district nor does the UDO provide a distinction between a full service restaurant and a use that provides limited food service. The Applicant proposes the amendment to the UDO to permit a limited food service use on Lawton and Lawrence Streets.

**PLANNING COMMISSION ACTIONS:** The Planning Commission has the authority to take the following actions with respect to the recommendation of the application to Town Council:

1. Approve the application as submitted by the Applicant;
2. Approve the application with conditions; or
3. Deny the application as submitted by the Applicant.

**REVIEW CRITERIA & ANALYSIS:** The Planning Commission is required to consider the criteria set forth in Section 3.5.3 of the Unified Development Ordinance in assessing an application for a Zoning Text Amendment. These criteria are provided below followed by a Staff Finding(s).

1. **Section 3.5.3.A.** The application demonstrates consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area.

*Finding. The application is consistent with the Comprehensive Plan, as well as the general character of the area.*

The Comprehensive Plan emphasizes the need to consistently revise regulations to ensure the ordinance is consistent with present conditions and focuses on encouraging mixed use districts that include complementary and integrated uses. The proposed ordinance is consistent with the Comprehensive Plan's vision by recommending a complementary use with conditional standards to ensure the protection of the public good. In addition, as set forth in the Old Town Master Plan, the addition of the proposed café use will achieve a well integrated mixed use district displaying a mix of many types of uses. The proposed conditional

requirements will ensure there is a reduced impact of nuisances to the surrounding residential community.

2. **Section 3.5.3.B.** The application shall show consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

*Finding. The application is consistent with demographic changes, new economic trends and best planning practices.*

As the Town is experiencing increased growth rates, both in residential and commercial uses, the need to update the permitted and conditional use regulations in response to these recent changes is evident. Staff recognizes that the current standards require revisions especially as the UDO (as adopted in 2011) is just now being tested on an increased number of development plan applications.

3. **Section 3.5.3.C.** The application shall be an enhancement to the health, safety and welfare of the Town of Bluffton.

*Finding. The application would enhance the health, safety and welfare of the Town of Bluffton.*

The proposed café addition as a conditional use will ensure that the uses developed in Bluffton are adequate for future growth, is compatible with the existing Town character and will promote a safe environment.

4. **Section 3.5.3.D.** The application considers the impact on the provision of public services.

*Finding. An impact to the provision of public services is not anticipated.*

The proposed amendment to the UDO for a café use includes the condition that alcohol will not be sold, consumed, distributed or possessed on the property. This condition reduces nuisance impacts and the need for additional public police services.

5. **Section 3.5.3.E.** The application must comply with applicable requirements in the Application Manual.

*Finding. The application has been reviewed by Town Staff and has been determined to be complete, meeting all requirements of the Applications Manual.*

**TOWN STAFF RECOMMENDATION:** Town Staff finds that the requirements of Section 3.5.3 of the Unified Development Ordinance are met and recommends that the Planning Commission approve the text amendment application.

**NEXT STEPS:**

<b>UDO Text Amendment Procedure</b>	<b>Step Completed</b>
Step 1. Public Notification	✓
Step 2. Planning Commission Public Hearing and Recommendation – February 24, 2016	
Step 3. Town Council – 1 <sup>st</sup> Reading – March 8, 2015	
Step 4. Town Council Public Hearing, 2 <sup>nd</sup> Reading – April 12, 2015	

**ATTACHMENTS:**

1. Draft Ordinance

ARTICLE IV – ZONING DISTRICTS

Sec. 4.3. Uses by Districts

Table 4.3 Uses by Districts

Table 4.3: Uses by District	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Neighborhood Conservation Historic District (NCV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)
	<b>Commercial Services</b>											
Outdoor Sales	-	C	C	-	C	C	C	-	C	C	C	C
Retail Businesses	-	-	P	-	P	P	P	-	P	P	P	P
Personal Service Establishments	-	-	P	-	P	P	P	-	P	P	P	P
Restaurant	-	-	C	-	C	C	C	-	-	C	C	C
Motor Vehicle Sales and Service	-	-	-	-	-	P	P	-	-	-	-	-
Fueling/Service Station including fuel pumps/Convenience Store	-	-	C	-	C	P	P	-	-	C	-	C
Car Wash	-	-	C	-	C	P	P	-	-	C	-	C
Tattoo/Body Art Parlor	-	-	-	-	-	P	P	-	-	-	-	-
Adult Oriented Business	-	-	-	-	-	SE	SE	-	-	-	-	-
Low Speed Recreational Vehicle Sales	-	-	-	-	-	-	-	-	-	-	-	C
<u>Café</u>	-	-	P	-	P	P	P	-	-	C	C	P

**Sec. 4.4.2 Commercial Services**

**G. Cafe**

1. Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street, Lawton Street or Lawrence Street within the Neighborhood Center – HD zoning district
2. Alcoholic beverages are not permitted to be possessed, distributed, consumed or sold on the property.

**ARTICLE IX – DEFINITIONS**

Sec. 9.4 Description of Uses of Land and Buildings

Sec. 9.4.3 Commercial Services

M. Café: Establishment where food and beverage is prepared, served and consumed primarily within the principal building provided alcoholic beverages are not possessed, distributed, consumed or sold.