



Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-035 (COA-22-011) 350 S COUNTY RD STE 100 (COMBO)

MEETING: April 13, 2022

ZON-22-035 (COA-22-011) 350 S COUNTY RD STE 100 (COMBO)—SPECIAL EXCEPTION W/ SITE PLAN REVIEW. The applicant, BUCCAN (Sam Slattery, Manager), has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception w/ Site Plan Review for modifications to the western portion of the site plan within the west side access service yard including exterior storage of ancillary restaurant equipment and elements and installation of new access gates and minor landscape changes and the installation of a new screening wall along the south property line. The Landmarks Preservation Commission will perform design review of the application.

LPC NOTICE:

COA-22-011 (ZON-22-035) 350 S COUNTY RD STE 100 (COMBO). The applicant, BUCCAN (Sam Slattery, Manager), has filed an application requesting a Certificate of Appropriateness approval for site plan modifications to the west side access service yard including the installation of (2) new service yard access gates and minor landscape changes and the installation of a new screening wall along the south property line. The application will require Special Exception with Site Plan Review by Town Council.

Applicant: BUCCAN (Sam Slattery, Manager)
Professional: Keith Spina / Spina Orouke + Parnters
Representative: Maura Ziska

HISTORY:

At the March 16, 2022 LPC meeting an application will be heard for site plan modifications to the west side access service yard including the installation of (2) new service yard access gates and minor landscape changes and the installation of a new screening wall along the south property line.

THE PROJECT:

The applicant has submitted plans, entitled "Renovation For: BUCCAN SERVICE YARD", as prepared by **Spina Orouke + Partners**, dated 04/01/2021.

The following is the scope of work for the existing two-story residence:

- The addition of (2) new service yard access gates, minor landscaping, and to allow storage for the restaurant for linens, wood, grease receptacle, charcoal and a bike rack.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- Special Exception in accordance with Section 134-229
- Site Plan Review Approval in accordance with Section 134-329.

Site Data			
Zoning District	C-TS Town-Serving Commercial	Lot Size (SF)	31,503 SF
Future Land Use	Commercial	Total Building Size (SF)	N/A
C-O-R	N/A	Flood Zone	N/A
Finished Floor Elevation	N/A	Designated Landmark	06/11/1990
Year of Construction:	1953	Architect:	Maurice Holley

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	1956 Service Station / C-TS Commercial Town Serving
South	1962 Retail Store/ C-TS Commercial Town Serving
East	1922 Two-story Town Hall/ C-TS Commercial Town Serving
West	1925 Two-story residence/ R-C Medium Density Residential

SPECIAL EXCEPTION CRITERIA SEC. 134-229

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to

automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.
- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

SITE PLAN REVIEW CRITERIA SEC. 134-329

Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

STAFF ANALYSIS:

The proposal includes installing two (2) sets of swing gates near the north and south corners of west façade of the building, located in the existing service alley. The 7'-0" tall gates are proposed to screen the outdoor storage of typical restaurant back-of-house items, including wood and charcoal bins, a bike rack, and linen, refuse, and ash receptacles. The gates are set back from the north and south building facades, and will not swing out into public rights-of-way. Photos of the existing outdoor storage and renderings of the proposed gates are included in the plan sets. The applicants have provided a detailed Letter of Intent addressing the pertinent review criteria. The applicant has alleged that ownership has coordinated proposal directly with the Public Works Dept.