

**Planning Commission  
Meeting Minutes  
October 21, 2019**

**ATTENDANCE:** George Jack, Robert Turgon, Pete Reich, Elizabeth Charleton, Dianna Battaglia Planning Director, Amanda Hickman P&Z Coordinator.

Also in attendance: Bud Craven, Shelly Upton, Commissioner Tim Snelling.

**Meeting called to order at 6:30pm.**

**APPROVAL OF MINUTES:**

Without objection minutes from September 19, 2019 approved as written.

**New Business**

**A. SE2019-02 Special Exception request for service of alcohol as and accessory to a restaurant**

Ms. Upton, attorney for property owner, explains that her client has recently purchased the Owens Landing Marina located at 12 River Rd. As you may know the property has been in poor condition for some time now and my client intends to renovate and turn it back into a functional marina. In connection with the plans for the marina the overall plan for the property will occur in phases including dredging, rebuilding all slips, new marina office to be built and the old will be demolished, the pool will stay and continue to serve the condo owners and slip owners. The most exciting part of the plan is what we are here tonight to request which is the special exception for service of alcohol to accompany a waterfront restaurant to be located at the pool in the marina. In order to be able to obtain the liquor license we must first obtain the special exception from the Town.

Mr. Craven, property owner, provides a breakdown of the plans for the restaurant space. The marina is in very bad shape and needs significant work. We intend to completely replace everything on the waterfront as Shelly indicated. The existing bath house and restroom buildings will be demolished. We will replace this with a single building (indicates location on plan). The kitchen will be located off to the side of the pool and bath house (also on plan). In front of the kitchen will be decking and seating. The entire area to be used for the restaurant and pool will be fenced in with one point for access. The inside bar/restaurant area will be directly on the waterfront where the previous fish market was located. This area will include new decking and more seating. We would like to have acoustic live music and daylight background music, we would like to have our hours go to 9 or 10 pm.

Mr. Turgon asks if just the fish market is where they need the liquor license.

Mr. Craven explains that the license would need to cover the entire fenced in area which includes the pool, bar, and kitchen which all has seating and will receive service of food. (Indicates on drawing)

Commissioner Reich asks how far the kitchen is from the pool and bar?

Ms. Upton says the bar is no more than 100 ft. and approximately 30 to the pool.

Mr. Craven further details the proposed look of the new buildings and the architecture. The bar area will be all glass with garage doors that raise so all sides can be open. He then describes the future plans for the marina building and showroom. The intent is for the office to also serve as a quick shop for boaters to get their convenience items. The building will also have a detail shop and maintenance/service shop. Parking will be expanded and will be located where there is currently dry boat storage.

Mr. Turgon asks what the height of the new bar building will be. Mr. Craven says 21ft at its highest point.

Commissioner Reich asks if the restaurant will be on pilings. Mr. Craven explains that we will build on whatever is required for construction.

Ms. Battaglia reads through her previously provided staff report. A restaurant is allowed in the RM zone and must have seating and not just be carry out. The service of alcohol is also permitted as an accessory to a restaurant.

Mr. Jack asks what constitutes as an accessory [in regards to alcohol] and how is this measured.

Ms. Upton explains that there are criteria that must be met from the State and County for the sale of alcohol. For a restaurant, alcohol sales must be no more than 25%. This is tracked on a monthly basis and must be reported annually and is subject to renewal based on these figures every year.

Ms. Battaglia continues reading through the staff report. Following this meeting the request will go to the Board of Appeals for a vote.

Commissioner Reich asks if the restaurant will also serve the general public. Shelly answers yes it will.

Commissioner Reich asks if this will be open in winter. Mr. Craven says no.

Mr. Jack indicates that he takes issue with the way the standards are written relating to a restaurant and how its definition is used here in this instance. The separation of the bar itself and the kitchen building does not, in his opinion, does not fit the definition of a standard restaurant because the area is not enclosed. Bud explains that though all the used space is outdoor, with exception of the kitchen itself, the service of food and alcohol is using all of the fenced in space as an establishment. Commissioner Reich echoes that the ordinance does not specify an establishment being a building. Mr. Jack requests that staff maybe look further into fine tuning the definition of these terms within the ordinance.

John Buck expresses his concern for this project as it is right in the middle of a residential community. This particular use is directly in front of 18 residential condo units and he does not agree with the property owner [as indicated in their application] that this use will not negatively impact the quiet use and enjoyment of the condo owners. The application says there is a buffer, there is no buffer. The only thing that sits between this bar and the condos is a bath house. This project will negatively impact the Owens Landing community. He further expresses his concern for the parking that will increase and the foot traffic through the residential area. He asks what the projected number of seats will be. Mr. Craven says 100. Brief discussion ensues.

Barbara Ballard asks for clarification on the location of the future marina office building. Mr. Craven answers that the new building will meet required setbacks.

Debbie Thompson indicates that she lives directly in front of the bathhouse currently and expresses concern over the fact that the new buildings will completely take away her view and her immediate neighbors view of the river. She also expresses concern over the issues that currently exist with the foot traffic from boaters and the public that the proposed use will further increase these problems. Mr. Craven indicates that a fence may be the best way to aid in this concern. Brief discussion ensues.

John Buck asks when the Board of Appeals meeting is. Mr. Jack says October 28<sup>th</sup>. He also asks if the liquor board hearing has been scheduled. Ms. Upton explains that though they originally wanted to be on the October meeting that is not possible so they are shooting to be on the November meeting agenda instead.

**Motion** made by Ms. Charleton and seconded by Commissioner Reich to recommend approval of the Special Exception for service of alcoholic beverages as an accessory to a standard restaurant and with all conditions stated in the Staff Report.

**Mr. Jack nay. Mr. Turgon abstains.**

**Motion carried.**

### **General discussion**

Mr. Jack asks the board members to please be sure to rsvp to staff when meeting notifications are sent out. This is imperative to ensuring there is a quorum.

### **Adjournment:**

Without objection the Planning Commission meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Amanda Hickman  
Planning & Zoning Coordinator