

## REQUEST:

### Special Use Permit Application to Establish a Banquet Facility in the Rural (R) Zoning District – SUP15-02

#### **ZONING ORDINANCE CRITERIA AND STAFF COMMENTS**

##### **Article 3.2.1**

Banquet Facilities are permitted in the Rural (R) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.59.

*STAFF FINDINGS: The property owners of 14532 and 14520 Beatties For Road (tax parcels #01540101 and 01540105)), Robert Nathan Sipp and Scott Berk, have applied for a special use permit for the development of the Harper Grove Banquet Facility on the mentioned parcels. The properties in question are zoned Rural (R), Rural Conditional District (R-CD), and Transitional Residential (TR). However the property proposed to be used for the entire banquet facility operation is located on Rural zoned property only (west of the creek).*

##### **Article 9.59.1**

That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).

*STAFF FINDINGS: The applicant has added a note on the special use permit plan stating that their hours of operation, including “set up and break down”, will be from 8:00 am to midnight (12:00 am)*

##### **Article 9.59.2**

That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance whether or not the property is located within the Town’s corporate limits.

*STAFF FINDINGS: The applicant has a note on the plan stating that the events shall comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance. **Update 6/11/15:** The applicants have added a note to the plan stating that as a condition to the plan, “amplified music such as provided during a wedding reception via a DJ or live band will be limited to indoor spaces with the exception of live acoustic ceremony music and/or the wedding officiate, which may be nominally enhanced with modest amplification for guest clarity, dB level of ceremony not to exceed 70 dB measured at the closest property line (70dB is equivalent to normal conversation or ambient residential street noise). Cocktail hour acoustic music or light background music may also be played outdoors, dB level not to exceed 70dB measured at closest property line”. Also they have agreed to take decibel readings after each event and report the numbers to the planning department on a quarterly basis.*

##### **Article 9.59.3**

That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.

*STAFF FINDINGS: The two parcels on which the facility is to be built totals 29.3 acres, and has an estimated frontage of 488 feet on Beatties Ford Road.*

**Article 9.59.4**

One residence (single-family detached house) may be located on the site.

*STAFF FINDING: The applicant plans to construct one new detached house residence on the site which fronts on Beatties Ford Road.*

**Article 9.59.5**

New buildings shall maintain a rural character and be compatible with surrounding area

*STAFF FINDINGS:*

*Building elevations for the proposed banquet facility were not submitted in time for staff to review prior to the Planning Board agenda deadline. Update 6/11/15: Architectural elevations have been submitted for the proposed main building. The building has a “barn-like” country theme thus appearing to have a rural character.*

**Article 9.59.6**

Events may take place inside a building, tent or outdoors. Catered activities and receptions may take place in tents or buildings.

*STAFF FINDINGS:*

*The applicant proposes a 6,337 sqft main banquet facility for indoor events. Outdoor lawns are also proposed as shown on the special use permit plan for outdoor activities as allowed by this provision.*

**Article 9.59.7**

Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.

*STAFF FINDINGS:*

*The special use site plan notes that the first 50 feet of driveway from Beatties Ford Road will be paved with asphalt as required by the ordinance. The plan also notes that the parking area will paved with either asphalt, gravel, or concrete as required by the ordinance.*

**Article 9.59.8 (A)**

That there will be a separation of no less than:

- a. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.

**STAFF FINDINGS:**

*The submitted special use permit site plan shows the parking area no closer than 160 feet from Beatties Ford Road and no closer than 65 feet from adjacent properties. The applicants have proposed several rows of evergreen trees and shrubs that will screen the parking area from adjacent properties. However there is an area shown on the plan with existing trees near Beatties Ford Road that has little evergreen screening. **Update 6/11/15:** On the updated special use permit plan, additional evergreen and deciduous trees/shrubs have been added near Beatties Ford Road. This additional vegetation should adequately screen the parking lot from the road.*

**Article 9.59.8 (B)**

- b. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential mixed use purposes.

**STAFF FINDINGS:**

*Per the submitted special use plan, the main facility would be 198 feet from the nearest residential property line. The new residence near Beatties Ford Road is right at 60 feet from the southern property line and the barn to be renovated as a bridal staging area is 121 feet from the residential property line to the north. The facility buildings are buffered from adjacent properties by several rows of evergreen trees and shrubs. They are buffered from Beatties Ford Road by evergreen trees/shrubs, existing large maturing trees, and a view distance of at least 480 feet. Formal lawns that will be used for outdoor events are located behind the main facility, at least 170 feet from the nearest property line, and adjacent to existing wooded areas which provide a good visual buffer from adjacent properties.*

**Article 9.59.8 (C)**

- c. Any newly constructed accessory structure such as barns, gazebos and agriculture or farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential mixed use purposes.

**STAFF FINDINGS:**

*The special use permit site plan shows the existing barn as the closest accessory structure to the property lines at 120 feet. The plan also has a note stating that “any newly constructed accessory structure such as barns, gazebos, and agriculture or farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential mixed use purpose”.*

**Article 9.59.8 (D)**

- d. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas.

**STAFF FINDINGS:**

*The proposed site is made up mostly of active commercial areas with little farming or pasture uses proposed. The site includes a 5,000 sqft main event building with porch and terrace, an existing barn to be renovated as an office/staging room, and a 147 space parking lot. Staff recommends the buffers shown on the plan be accepted to buffer these active commercial areas from the adjacent residential properties. The existing woods and vegetation is an acceptable buffer for the outdoor event lawns proposed.*

**Article 9.59.9**

Applicant shall have adequate off street parking to accommodate the maximum number of attendees.

**STAFF FINDINGS:**

*The applicant has not forwarded what the maximum number of attendees will be for the facility. Although the parking lot is large, it is currently unclear if the parking will be sufficient for the number of attendees to the facility per the ordinance requirement. Update 6/11/15: In the updated plan, the applicants have added a condition that there will be no more than 240 guests at any event. The applicant has also submitted parking data for two similar facilities and how many cars they produced for their events. Their data outlines that the number of cars expected is roughly 40-45% of the guests attending. With that calculation in mind 108 parking spaces would be needed to accommodate the maximum 240 guests. The plan shows a proposed 142 parking spaces proposed with another grass area capable of holding an estimated 32 cars for occasional overflow parking. Staff recommends the proposed parking area is reasonably sized for the guests proposed. The applicants have also added a note/condition stating there will not be any overflow parking on Beatties Ford Road or Savannah Grace Lane.*

**Article 9.59.10**

The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.

**STAFF FINDINGS:**

*The site plan notes that sewer will be addressed through an onsite septic system while water will be tapped into the existing 16" water line located along the far side of Beatties Ford Road.*

**UPDATE 7/13/15: STAFF RECOMMENDATION:**

With the updated notes added to the plan, staff recommends approval of the special use permit plan based on the above findings of fact with the following conditions:

- There is an added condition that number of guests at each event also be reported quarterly to the planning department along with the decibel levels of the event (as described below in 5/26/15 Planning Board meeting issue note one). This was discussed at the latest Planning Board meeting but no note was added to the plan.
  - The use note number 2 listing the allowed uses be deleted and change the word “exclude” to “include” in use note number 3.
1. Building Elevations: As mentioned above, the ordinance requires that banquet facility buildings remain rural in character in order to blend in with adjacent development. No building elevations were submitted for review therefore conformance to this requirement has not been verified.
    - **Update 6/11/15:** Building elevations have been submitted and reviewed by staff. The architecture has a country and barn theme that seems to maintain a rural character as required in the ordinance.
  2. Northern property line conflict: According to online tax maps and the applicant’s existing conditions plan, the northern property line intersects Beatties Ford Road further south than what is shown on the proposed Special Use Permit site plan. If the tax maps and existing conditions plan are correct, the proposed driveway would extend onto adjacent property and could not be permitted without the appropriate access easements obtained. In addition, due to the necessity for the driveway to stay at a fixed position; lined up with Savannah Grace Lane across the street from Beatties Ford Road, it is important to clarify the applicant’s ability to establish a driveway at that specific location. Staff has requested that a boundary survey of the property be integrated into the site plan to ensure the location of the property lines.
    - **Update 6/11/15:** The applicants have submitted a survey of the property showing the location of current property lines. Outside of the prescribed NCDOT right of way, the proposed driveway will not encroach onto adjacent property lines. Please find a copy of the submitted survey attached.
  3. Parking lot pedestrian corridors: Article 6 of the Huntersville Zoning Ordinance states that “parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building...On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building”. The large parking lot proposed (147 spaces with overflow) has no pedestrian corridors shown on the plan.
    - **Update 6/11/15:** The updated special use permit plan includes a redesigned parking lot that is much more pedestrian oriented. Several five foot concrete sidewalks and pathways leading through the parking lot to the building have been included.
  4. Specimen tree save: There is no information on the special use permit site plan indicating how many specimen trees are being saved or how many removed. That information needs to be included to show conformance to the 50% Rural (R) district specimen tree save requirement.
    - **Update 6/11/15:** A note has been added to the plan stating that no specimen trees will be removed from the site.
  5. Street cross section: Staff recommends that the plan be clarified to show all the required road improvements on Beatties Ford Road, including a bike lane, sidewalk, and double row of street trees.
    - **Update 6/11/15:** The cross section of Beatties Ford Road has been updated to show all applicable street improvements across the frontage of the property.

6. Maximum number of guests. Transportation staff has determined that as long as the facility does not exceed 240 guests, the trips proposed by the facility will not cross the threshold that would require a Traffic Impact Analysis (TIA) to be performed per Article 14 of the Zoning Ordinance. The plan submitted does not establish a maximum amount of guests proposed. In addition, the maximum number of guests need to be submitted to determine if the amount of parking proposed is sufficient to accommodate them.
  - Update 6/11/15: A condition note has been added to the plan stating that there will be no more than 240 guests at any event, thus keeping the traffic at the site below the threshold which would require a TIA to be performed. Staff finds the amount of parking spaces proposed acceptable for the amount of guests planned.
7. Additional screening along Beatties Ford Road. The site plan shows an area of “existing trees” along Beatties Ford Road that seems to be used to satisfy the parking lot buffer requirement of the ordinance. However the area in question consists mostly of widely scattered large maturing deciduous trees (and an old existing house that is to be torn down). It is recommended that this tree area be supplemented with some evergreen plantings to help buffer the parking area from Beatties Ford Road.
  - Update 6/11/15: The special use permit plan has been updated to include additional evergreen trees where the old house is to be torn down, and a row of evergreen shrubs along the perimeter of the parking lot. Considering the existing vegetation, the required street trees to be planted and the additional evergreen plantings proposed, staff recommends acceptance of the parking lot buffer proposed.

#### **UPDATE: 6/11/15: PLANNING BOARD MEETING – 5/26/15**

On May 26, 2015 the Planning Board met to discuss the application. During the meeting, Planning Board members and neighbors brought up several questions and issues in regard to the proposed land use. The issues discussed and the applicant’s response to those issues is addressed below.

1. Noise: Several adjacent property owners were concerned about the noise that would be produced by the facility. The applicants have added a condition to the plan stating that they will hold all amplified reception music indoors. Exterior music and amplification would be limited and not exceed 70 dB at the property line. The applicant also agreed to take the measurements of the sound level of each event at the property line and report them back to the Planning Department for conformance review quarterly.
2. Traffic: The question was raised about whether or not a Traffic Impact Assessment (TIA) would be needed if the facility had two or more events in one day (with a maximum 240 guests each). After discussion with transportation staff, two such large weddings could put the amount of trips over the threshold of 500 trips per day, thus requiring a TIA. However the applicant has added a conditional note on the plan restricting the use to only one wedding in a day. The applicant added a note to allow more than one *non*-wedding event per day such as luncheons, training sessions, and meetings. Such events would be required to be spaced 3 hours apart. Transportation staff has determined that such smaller events adequately spaced (or a wedding and a small event adequately spaced), would not meet the threshold for requiring a TIA to be conducted, either by 500 total trips a day or 50 peak hour trips.
  - There was also a concern that the limit of 240 guests did not include the employees, caterers, workers, etc. that typically also attend weddings. Transportation staff does not consider those additional attendees crucial to calculating the proposed trips by

the use; as those attendees usually arrive well before and leave well after the main peak event time. They would not cause a significant increase in impactful trips per event.

3. **Security**: There was a concern discussed that safety would be an issue at the events where alcohol is served. The applicant has added a note on the plan stating that all events where alcohol is served will have two off-duty police officers on site to assist with security and safety of guests.
4. **Type of Events**: There was discussion that the uses at the site may extend beyond meetings, weddings, and receptions. Neighbors were concerned that public events like festivals or concerts at the facility would cause unforeseen impacts on neighboring properties. The applicants have volunteered a condition on the plan stating that the use would be limited to “weddings, banquets, and meetings” since those are the only uses they propose. Please note this restriction was voluntary from the applicant to try to address concerns from the adjacent property owners. However considering the recommendation from the town attorney (see email attached), it may be more advisable to add notes that limit uses that would not conform to the ordinance, rather than limiting the uses to only uses allowed by the ordinance.
5. **Parking**: There was concern from the adjacent property owners that parking for these events could spill over onto Beatties Ford Road. As discussed above, the applicants have added permanent parking area to the main parking lot in the updated submittal (142 spaces). In addition, a new grass overflow area has been identified for occasional special event use (32 spaces). Therefore a total of 174 spaces are available for the maximum 240 guests. In addition, the applicants have added a note on the plans stating that no parking is allowed in the Beatties Ford Road or Savannah Grace ROW.
6. **Time Limit**: The Planning Board asked staff whether or not a time limit on the special use permit would be an appropriate condition approval. Please find the Town Attorney’s response attached. Staff does not recommend the time limit condition be added, which would function only as a “trial run” of the use. The recommended option would be to approve the permit if desired and if there are violations of the permit or conditions at the site, the permit can be revoked at some later time.

The Planning Board tabled the application at the recommendation of staff and as requested by the applicant. The purpose of the request was to allow the applicants to address the issues raised by staff and the adjacent property owners at the Planning Board meeting.

**UPDATE: 7/13/15: PLANNING BOARD MEETING – 6/23/15**

On June 26, 2015 the Planning Board continued the discussion of the Harper Grove special use permit application. Several adjacent property owners reiterated their concerns and opposition to the application citing traffic and noise generated by the use. New concerns and issues raised and the applicant’s response to these issues are described below:

1. **Fireworks**: It was noted that fireworks are sometimes associated with weddings. Some neighbors were concerned that fireworks routinely held at the facility could create a nuisance to adjacent property owners. The applicant added a note on the updated plan stating that commercial fireworks and other illegal fireworks will be prohibited at the use.
2. **Restricted Uses**: Neighbors of the property in question raised concerns at the last meeting that some events that could be held at the facility would not be compatible with the rural character

of area. Biker rallies, public festivals, and concerts were some of the uses mentioned. To address that concern the applicant added a note stating that only certain uses would be allowed. However as recommended by the Town Attorney (see email attached), the applicants added a use note to restrict uses that may not fit or be compatible with the restrictions of the ordinance rather than arbitrarily allowing only specific uses. The applicants added the following note to restrict the uses: "Event limitations will exclude Motorcycle Rallies, Car Shows, and non-invitation events open to general public attendance". On the latest plan though the old note restricting the uses still remains. Staff recommends that use note 2 be removed from the plan. Staff also recommends the term "exclude" in use note 3 be replaced with "include" which is how the note should read considering the intent of the note.

3. **Signage:** Per the Zoning Ordinance, the applicants could have a maximum 32 ft<sup>2</sup> ground mounted sign along Beatties Ford Road. There was concern that such a large commercial sign would affect the rural character and feel for the neighborhood. The applicants added a signage restriction note that reads: "Signage will be reduced from 32 ft<sup>2</sup> to 24 ft<sup>2</sup> of actual signage. Signage may be supported by a secondary structure such as a pole, beam, or pillar with beam, or other type of structure following signage regulations and architecturally compatible with the rural character of the facility. Total height of sign and structure is not to exceed 8 feet."
4. **Balloons:** There was a concern raised by neighbors that balloons released as part of wedding celebrations could endanger farm animals and wildlife nearby. The applicants have submitted no clarifying note on that issue.

After further discussion the Planning Board recommended that the Special Use Permit application be approved based on staff's findings of fact, and with the added conditions in regard to firework limitations and use restrictions to be drafted with staff's assistance. The vote passed by a 6-2 vote.