

Special Use Permit Granted

On Monday July 20, 2015 the Huntersville Town Board held a public meeting to consider the below noted Special Use Permit:

Petition # SUP15-02 is a request by Ron Randle on behalf of the property owners for a special use permit to develop a banquet facility (Harper Grove) in the Rural (R) zoning district. The location of the property is 14532 and 14520 Beatties Ford Road. (Parcel IDs #01540101 and 01540105).

Having heard all the evidence and argument presented at the meeting, the Board finds the application is complete, that the application complies with all of the applicable requirements of the Huntersville Zoning Ordinance for the operation proposed, and therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance, the attached Findings of Fact, and the following conditions:

1. The applicant shall complete the development strictly in accordance with the site plan, building elevations, and notes attached which were submitted to and approved by this Board, a copy of which is filed in the Town of Huntersville Planning Department.
2. Number of guests present at each wedding will be reported to the Planning Department along with the decibel levels measured at the property line on a quarterly basis.
3. Event limitations will include motorcycle rallies, car shows, and non-invitation events open to to general public attendance.

IN WITNESS WHEREOF, the Town of Huntersville has cause this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

_____, owner(s) of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to the permit except in accordance with all of its conditions and requirements and that the restriction shall be binding on them and their successors in interest.

Owner

Planning

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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this _____ day of _____ 201__.

(SEAL) _____
Notary Public

My commission expires: _____

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 of 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.