

## REQUEST:

### Special Use Permit Application to Establish a Banquet Facility in the Rural (R) Zoning District – SUP18-01

#### **ZONING ORDINANCE CRITERIA AND STAFF FINDINGS**

##### **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 owner of 7140 Hambright Road and 11332 Beatties Ford Road (tax parcels #01517102 and 01517101), Michael Kucera, has applied for a special use permit for the development of the Saddle Creek Banquet Facility on the mentioned parcels. The properties in question are zoned Rural (R).*

##### **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. Also, they’ve added a conditional note stating that there will be no outdoor amplification of voice or music on the premises.*

##### **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 12.87 acres, and has an estimated frontage of 1,366 feet on both Hambright and Beatties Ford Road.*

**Article 9.59.4**

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

**STAFF FINDING:**

*At this time, the applicant has not proposed a residence as part of this development.*

**Article 9.59.5**

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

**STAFF FINDINGS:**

*Architectural elevations of the proposed buildings are attached in the agenda package. Both the event center and ceremony barn have a very rural and farm-like architectural design. The buildings include a barn style with wood siding and stone accents. The parking area is proposed to remain gravel, to keep the natural feel to the development. Surrounding the property, the natural wooded area will remain along Beatties Ford and Hambright Road. With the proposed design and natural wooded buffers, staff considers the proposal appropriately rural in character and compatible with the surrounding area.*

**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 maximum 7,000 sqft event barn and a 3,500 ceremony barn for indoor events. A note on the plan has been added stating that outdoor weddings may occur but no amplification of voice/music will be provided.*

**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 the driveway on Hambright Road will be paved with asphalt. The rest of the driveway and parking areas are proposed to be gravel as permitted in this section.*

**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 119 feet from Hambright Road or Beatties Ford Road and no closer than 61 feet from adjacent properties. The applicants have proposed to use the existing vegetation as a screen for the parking areas. They have also placed a note on the plans stating that where existing vegetation does not provide an opaque screen as intended by the ordinance, additional evergreen landscaping will be added as needed.*

**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 closest building to a residential property boundary would be the event barn at 120 feet from the southern residential lot line. The facility buildings are buffered from adjacent properties by a 50 foot undisturbed wooded buffer. The applicant has also added a note on the plan stating that any existing vegetation buffers that do not provide an opaque screen will be supplemented with additional landscaping to achieve the intent of the ordinance.*

**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 proposed event barn as the closest building or structure to a residential property line at 120 feet.*

**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:**

*Staff recommends approval of the proposed buffers as shown. Keeping wooded areas natural and undisturbed are efficient buffers and screens for streets and adjacent properties. While some of the wooded areas are thin and devoid of evergreen trees, the applicants have committed to plant additional trees to create an opaque screen if needed post construction.*

**Article 9.59.9**

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

**STAFF FINDINGS:**

*The applicant has committed to set the maximum number of guests at 220. There are 109 parking spaces provided in the gravel area and 34 grass spaces for infrequent overflow use. The required amount of parking per the Huntersville Zoning Ordinance is met (21 spaces: 1 per 500 sqft).*

**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 provided by tapping into the existing 16" water line located along Beatties Ford Road. A septic permit for this property however has not been applied for. It is currently unknown whether or not the property is suitable for septic service.*

**SITE PLAN INFORMATION:**

1. Upon reviewing the application, transportation staff has determined that no intersections around the facility would exceed the threshold of trips needed to require a Traffic Impact Analysis (TIA). Therefore no TIA was required. Please see the correspondence from transportation staff attached in your agenda packet.
2. The concept storm water plan has been approved by Mecklenburg County LUESA.
3. As mentioned above, although the development is proposed to be served by a septic system, no permit has been obtained for septic service on the subject property. It is unknown if the property is suitable for septic use. Mecklenburg County Ground Water has recommended that the applicant go through the septic permitting process as soon as possible to determine if

septic is viable on the lot or not. *UPDATE – 7/30/18: The applicant has added a note on the plan stating that the permit has not been obtained and if the property is not suitable for a septic system the development will need to connect to city sewer prior to operating.*

4. A note has been added to the plan stating that there are no specimen trees less than 12 inches in caliper on the site. This note is meant to say there are no specimen trees over 12 inches in caliper on the site. However for staff review, all trees over 12 inches in caliper should be shown on the existing conditions survey. Specimen trees can both be small maturing trees 12 inches in caliper and over or large maturing trees 24 inch caliper and over. There are no trees under 24 inches shown on the survey. If there are any other trees at all on the site over 12 inches in caliper, staff needs to see them described on the survey. If the surveyor is saying there are no other trees at all on the site greater than 12 inches, the note should be amended to say so. *UPDATE – 7/30/18: No change was made to the tree survey on the updated plans submitted after the planning board meeting.*
5. NCDOT has indicated to the applicant that no turn lanes will be required for their driveway on Hambright Road. A driveway permit will subsequently need to be reviewed and approved by NCDOT for final road improvement design of Hambright Road.

#### **STAFF RECOMMENDATION:**

The tree survey has not been updated to correctly show all specimen trees on the property, as recommended by staff and the Planning Board (see site issue #4 above). Staff recommends the tree survey be amended as needed prior to final action by the Town Board. If the applicant can demonstrate compliance with the tree save ordinance by the Town Board meeting on August 6, staff will recommend approval.

#### **PLANNING BOARD RECOMMENDATION:**

The Planning Board reviewed the application at their June 24, 2018 meeting. Following discussion, the Board unanimously recommended the Town Board approve the special use permit application with the following findings of fact and conditions:

##### Planning Board Findings:

1. *The property owner of 7140 Hambright Road and 11332 Beatties Ford Road (tax parcels #01517102 and 01517101), Michael Kucera, has applied for a special use permit for the development of the Saddle Creek Banquet Facility on the mentioned parcels. The properties in question are zoned Rural (R).*
2. *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).*
3. *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. Also, they’ve added a conditional note stating that there will be no outdoor amplification of voice or music on the premises.*

4. *The two parcels on which the facility is to be built totals 12.87 acres, and has an estimated frontage of 1,366 feet on both Hambright and Beatties Ford Road.*
5. *At this time, the applicant has not proposed a residence as part of this development.*
6. *Architectural elevations of the proposed buildings are attached in the agenda package. Both the event center and ceremony barn have a very rural and farm-like architectural design. The buildings include a barn style with wood siding and stone accents. The parking area is proposed to remain gravel, to keep the natural feel to the development. Surrounding the property, the natural wooded area will remain along Beatties Ford and Hambright Road. With the proposed design and natural wooded buffers, staff considers the proposal appropriately rural in character and compatible with the surrounding area.*
7. *The applicant proposes a maximum 7,000 sqft event barn and a 3,500 ceremony barn for indoor events. A note on the plan has been added stating that outdoor weddings may occur but no amplification of voice/music will be provided.*
8. *The special use site plan notes that the first 50 feet of the driveway on Hambright Road will be paved with asphalt. The rest of the driveway and parking areas are proposed to be gravel as permitted in this section.*
9. *The submitted special use permit site plan shows the parking area no closer than 119 feet from Hambright Road or Beatties Ford Road and no closer than 61 feet from adjacent properties. The applicants have proposed to use the existing vegetation as a screen for the parking areas. They have also placed a note on the plans stating that where existing vegetation does not provide an opaque screen as intended by the ordinance, additional evergreen landscaping will be added as needed.*
10. *Per the submitted special use plan, the closest building to a residential property boundary would be the event barn at 120 feet from the southern residential lot line. The facility buildings are buffered from adjacent properties by a 50 foot undisturbed wooded buffer. The applicant has also added a note on the plan stating that any existing vegetation buffers that do not provide an opaque screen will be supplemented with additional landscaping to achieve the intent of the ordinance.*
11. *The special use permit site plan shows the proposed event barn as the closest building or structure to a residential property line at 120 feet.*
12. *Staff recommends approval of the proposed buffers as shown. Keeping wooded areas natural and undisturbed are efficient buffers and screens for streets and adjacent properties. While some of the wooded areas are thin and devoid of evergreen trees, the applicants have committed to plant additional trees to create an opaque screen if needed post construction.*
13. *The applicant has committed to set the maximum number of guests at 220. There are 109 parking spaces provided in the gravel area and 34 grass spaces for infrequent overflow use. The required amount of parking per the Huntersville Zoning Ordinance is met (21 spaces: 1 per 500 sqft).*
14. *The site plan notes that Sewer will be addressed through an onsite septic system while water will be provided by tapping into the existing 16" water line located along Beatties Ford Road. A septic permit for this property however has not been applied for. It is currently unknown whether or not the property is suitable for septic service.*

Planning Board Conditions:

1. A note be added to the plan stating that connection to city sewer is required if a septic system cannot be established on site.
2. The tree survey be amended to show all 12 inch caliper trees, or note that there are no other trees greater than 12 inch caliper existing on the site.
3. The buffer line be moved/shifted down to be located immediately behind the parking area.
4. The proposed driveway permit be approved by NCDOT.