

REQUEST:

Special Use Permit Application to Amend SUP 20-01: Banquet Facility in the Rural (R) Zoning District

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 14418 NC 73 HWY (tax parcels #01313110), Grassroots Land, LLC, received a Special Use Permit approval from the Town Board for their event/banquet facility in the Rural zoning district on September 8th, 2020 (SUP20-01). The owners have submitted an application to amend the special use permit to alter the conditions of the plan. The amended plan would include an additional 2,400 ft² open air event facility in the rear of the property, and remove additional tree canopy and potentially a specimen tree.

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's note on the special use permit plan stating the hours of operation remains the same as the original special use permit approval. Including "set up and break down", it 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 amended 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 amplification of sound after 9 pm. The note clarifies that this condition would apply for both the event barn and the pavilion.

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:

According to the survey provided in the SUP package, the parcel on which the facility is to be built totals 10.77 acres, and has an estimated frontage of 624 feet on NC 73 HWY. It is also noted that although 10.77 acres is the total size of the parcel in question, 1.28 acres of that area is inside NCDOT right of way. The size of the parcel that is outside NCDOT right of way is 9.49 acres. This information remains unchanged from the original special use permit plan approval.

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. This remains the same from the original special use permit plan approval.

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 (barn and open air pavilion) are attached in the agenda package. The proposed "Event Barn" is designed as a classic "barn style" which is a very rural and farm-like architectural design. The building note on the plans states that the building "will contain wood veneer appearance (IE Hardi Board or similar) to match rural character of surroundings". Surrounding the event areas, the natural wooded canopy is proposed to remain along most of the property boundaries. With the proposed design and natural wooded buffers, staff considers the proposal appropriately rural in character and compatible with the surrounding area. The newly proposed "open air pavilion" is noted to have similar character of the main building.

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 5,000 ft² event barn and a 2,400 ft² open air pavilion. An area on the SUP plan immediately south of the barn has been delineated as "outdoor event area", which is permitted by the section listed.

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 permit site plan notes that the first 50 feet of the driveway on NC 73 HWY will be paved with asphalt. The rest of the driveway and parking areas are proposed to be either asphalt, concrete, or gravel. All of the proposed materials would be permitted under the section. The notes and conditions for this requirement has remained the same from the original special use permit approval.

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 101 feet from the future right of way of NC 73 as shown on the latest NCDOT R-5721 concept plan. The parking area to the west of the property and the parking/loading area to the east of the event barn is about 61 feet from adjacent property lines. 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 vegetation 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 event area is the "outdoor event area limits" along with the loading area for the event barn. They are right at 61 feet from the adjacent residential property line (Rural District). The newly proposed open air pavilion is located approximately 80 feet from the eastern property line. The note on the plan remains which states that any existing vegetation buffers that do not provide an opaque screen will be supplemented with additional vegetation to achieve the intent of the ordinance.

An additional note was added to the plan stating that the buffers located inside Duke Power right of way would need to be planted using Duke Power planting guidelines.

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 newly proposed open air pavilion as the closest building or structure to a residential property line at 80 feet. The horse barn in the rear of the property has been removed from the plan. The main event barn remains about 122 feet from the eastern property line.

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:

This section of the ordinance allows the Town Board to increase or decrease buffer widths based on individual needs of specific uses and properties.

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 175 with 25 support staff/workers. The parking total is 90 gravel paved spaces provided with 32 grass spaces for infrequent overflow use. Total amount of parking would be 122 parking spaces (including 5 handicapped spots).

The required amount of parking per the Huntersville Zoning Ordinance is met (Event Barn and Pavilion = 7,816 ft² = 1 per 500 ft² = 16 spaces).

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 water line located along NC 73 HWY. Mecklenburg County has approved the review of this plan for septic for 200 seats but for only 3 days a week. A copy of the county permit documentation is included in the agenda packet.

Article 9.59.11

Mobile food/beverage vehicles are allowed on the premises with the following conditions:

STAFF FINDINGS:

Article 9.59 was amended by the Town Board on 7/20/20 to allow mobile food trucks to be used by banquet facilities in the Rural District with the issuance of a special use permit. The HWY 73 Banquet facility special use permit was originally approved for mobile food trucks with the following conditions:

Article 9.59.11 A

The mobile food/beverage vehicles must cater to the guests of invitation only events, for a time period limited to the event, and are not open to public use.

STAFF FINDINGS:

The special use permit plan includes a note stating that “food trucks would meet all the conditions of Article 9.59”. In addition the use notes on the special use permit plan limits the banquet facility itself to invitation only events.

Article 9.59.11 B

The mobile food/beverage vehicles must park in a designated spot, indicated on the special use plan. This area will be screened from public view and adjacent land owners, by an opaque screen.

STAFF FINDING

The area reserved for mobile food vehicles/trucks is shown and labeled on the special use permit plan. The area for the food trucks is located outside the proposed 60 foot event buffer. Existing buffer notes on the plan state that the buffers will be supplemented with evergreen landscaping to create an opaque screen. In addition, the site plan notes that the designated food truck area will be screened with a wood screen fence.

Article 9.59.11 C

No more than three mobile food/beverage vehicles allowed at one time.

STAFF FINDINGS

The special use permit plan includes a note stating that “food trucks would meet all the conditions of Article 9.59”

Article 9.59.11 D

No trucks will be stored overnight on the property.

STAFF FINDINGS

The special use permit plan includes a note which states that “food trucks would meet all the conditions of Article 9.59”

SITE PLAN COMMENTS:

1. Upon reviewing the application transportation staff found that the use proposed would not produce the minimum amount of trips to require the submission of a Traffic Impact Analysis (TIA). Please find the TIA determination by Transportation Staff attached.
2. The approved special use permit plan removed no specimen trees from the site. The amended plan would remove 4 additional specimens and additional canopy that the previous plan did not. However the specimen trees are not located in the 30 foot undisturbed buffers and the plan still meets the minimum tree save requirements.
 - a. **UPDATE 6/4/21**: The latest submittal has been amended to save all specimen trees again. However one specimen tree near the front driveway is still disturbed within the dripline 8 feet from the trunk of the tree. Even with this tree removed, the ordinance requirement is easily being met.
3. The parking requirement meets the minimum standards in the zoning ordinance. However with the parking reduction proposed (to 83 paved spaces with 200 guests/support workers), staff is concerned that the planned overflow, grassed, and infrequent parking area will be needed on a regular basis. Thus some of the grassed area may need to be paved to meet ordinance requirements. Staff requests the applicant submit documentation that the paved parking of 83 spaces would be able to accommodate 175 guests and 25 support staff. Either standards from the banquet facility industry or counts from existing facilities would be helpful.
 - a. **UPDATE 6/4/21**: The latest plan has been amended to add 7 additional spaces back to the original 90 paved spaces. Staff finds this acceptable to meet the intent of the parking requirements of Article 9.59.9.
4. The maximum number of guests is listed on the site plan as 175, with 25 support staff/workers. The maximum amount of seating on the septic permit is listed as 150. Staff recommends the numbers on the septic permit be reconciled to match the special use permit plan.
 - a. **UPDATE 6/4/21**: The latest plan includes an updated septic permit from Mecklenburg County. The permit is approved for 200 seats but only 3 days a week. Staff recommends that this updated permit which accommodates the maximum number of persons at the facility meets the intent of Article 9.59.10. However it is recommended

that a note be added to the plan that states that the facility will have no more events than Mecklenburg County Environmental Health approves or than what the septic system can accommodate.

PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the application at their May 25, 2021 meeting, and discussed the proposed amendments to the plan. There was also substantial conversation between the Board and the applicant about permitting more than one event at the facility in a day, as long as the maximum amount of guests proposed was not exceeded in a day. Staff conveyed that was not a zoning concern but could not at the meeting confirm it did not have an effect on the function of the septic system and the TIA determination. After the discussion, the applicant requested to move forward and address the event per day issues prior to the Town Board meeting. After discussion, the Planning Board recommended approval of the application with conditions by a 6-2 vote. The motion to approve is below.

F. Gammon made a Motion to Approve SUP 21-01, modification of SUP 20-01 Ivory Barn Event Venue, the Planning Board finds that the request meets all required conditions and specifications, it is reasonable and does not pose an injurious effect on adjoining properties. The Planning Board further finds that the impact upon the character of the neighborhood, as well as the health, safety and general welfare of the community will be minimized. The decision is supported by the Town of Huntersville Zoning Ordinance as stated in the staff analysis findings as follows: 1) The request meets the zoning ordinance criteria of Article 3.2.1 and 2) The request meets the zoning ordinance criteria of Articles 9.59.1 through 9.59.11.d. This recommendation for approval is contingent upon Mecklenburg County approval of the septic permit limits the site to 150 guests and one – four-hour event per day; however, the site plan states the maximum capacity for the venue is limited to 175 guests and 25 staff/workers. There will be only wedding or event per day, and it will operate no early than 8 a.m. and no later than 12 a.m. to include set-up and clean-up. The Planning Board recommends the number of guests and workers and the hours of allowed operations on the septic permit be reconciled with staff to match the number of guests, workers and hours of operation on the special use permit plan. Under use and hours of operation notes on the special use permit plan, the Planning Board recommends clarifying that the permit is limited to one event per day for the entire facility, for example a wedding and an additional event of any type is not permitted. S. Hensley seconded the motion.

STAFF RECOMMENDATION:

Staff supports the applicant's request raised at the Planning Board meeting. Staff confirmed with Mecklenburg County Environmental Health and Huntersville Engineering that the addition of multiple small events a day would not change the septic permit or TIA determination as long as the maximum number of guests/workers in a day does not change. Therefore staff recommends approval of the application based on the above findings of fact with the conditions outlined below:

1. The notes on the plan be clarified to indicate the intent to allow multiple events per day as long as the total number of guests does not exceed 175 with 25 employees a day.

2. The hours of operation and use notes on the plan be amended to state that the number of events will be limited to the amount permitted by Mecklenburg County Environmental Health and by what the designed septic system can accommodate.

DECISION STATEMENTS

In Favor of the Special Use Permit

In considering the Special Use Permit SUP20-01 modification, Ivory Barn Event Venue, we, the Town Board, find that the modification request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings:

- 1)
- 2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP20-01 modification, Ivory Barn Event Venue, we, the Town Board, find that the modification request does not meet the required conditions and specifications.

(List which conditions are not being met)

- 1)
- 2)

Add additional statements as necessary.

In addition the use poses an injurious effect on adjoining properties and the Planning Board finds that the request is not character of the neighborhood and there will be negative effects on the health, safety and general welfare of the surrounding community based on the following findings:

- 1)
- 2)

Add additional statements as necessary