

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: November 21, 2016
Applicant: Long Creek Properties, LLC.
Property Owner: Long Creek Properties, LLC.
Case Number: SUP 398-2016

Land Use Proposed: Long Creek Properties, applicant and owner, is requesting approval of a Special Use Permit for the operation of an event venue (NAICS 531120 'Lessors of Nonresidential Buildings').

Property Record Number and Location: The subject property is located along the south side of NC HWY 210 in the Long Creek Township, NC. There is one (1) tract associated with this request totaling ±269.7 acres and is located at 22549 NC HWY 210, Rocky Point, NC. The subject property may be further identified by Pender County PIN: 2294-48-0610-0000.

Zoning District of Property: The subject property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Other Personal Services are permitted via Special Use Permit in the RA, Rural Agricultural zoning district.

PROJECT DESCRIPTION:

Long Creek Properties, applicant and owner, is requesting approval of a Special Use Permit for the operation of an event venue (NAICS 531120 'Lessors of Nonresidential Buildings'). According to the applicant's submitted site plan and narrative, the applicant requests utilizing ±11.24 acres of the subject parcel for housing special events in a barn and accessory structure to be used as an office, with an additional 45,556 sq. ft. of outdoor event area space in the adjacent yards, including associated parking and landscaping. No new construction is proposed to the existing structures. According to the applicant's submitted narrative, the venue will be capable of hosting a maximum of two hundred (200) guests per event.

Lessors of nonresidential buildings (NAICS 531120) include establishments acting as lessors of buildings that are not used as residences or dwellings. Uses include banquet halls, auditoriums, commercial building rental, dance halls, and exhibition halls. The applicant intends to lease out the existing structures for events, mainly consisting of weddings and similar uses.

Existing Site

The primary usage of the ±269.7 subject parcel is for agricultural purposes. The primary agricultural use for the subject parcel is growing, harvesting, and selling hay. There is also a small tree nursery on-site, the stock of which is sold to landscaping companies. There is no residence located on the subject parcel.

Hours of Operation

The applicant's proposed hours of operation are from 8:00am to 8:00pm, Monday through Thursday, and from 8:00am to 11:00pm on Friday and Saturday. There will be one employee to oversee event operations.

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide a Buffer A along all street boundaries. A Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required along all other non-street boundaries. All buffers will be re-examined at Site Development Plan submittal.

Driveway Access

The applicant is showing an access to the subject parcel via an existing driveway on the south side of NC HWY 210. All proposed uses for the existing structures will be reviewed by NCDOT at the Site Development Plan submittal phase.

Parking

A total of fifty-nine (59) parking spaces are required for the proposed indoor and outdoor use areas. The applicant proposes seventy-two (72) spaces, which are in compliance with ordinance standards. All parking standards will be re-evaluated at Site Development Plan submittal.

Utilities

The existing agricultural structures are currently served via private well water and a private septic system. All utility systems currently exist and are subject to review and approval by Pender County Environmental Health.

Environmental

Portions of the subject property are located within the Floodway, AE, and Shaded X Special Flood Hazard Areas. As such, a floodplain development permit shall be obtained and applicable Flood Damage Prevention Ordinance requirements followed for any proposed future development within the floodplain. The easternmost existing structure, proposed parking, and outdoor event areas are all located inside the flood zone. Portions of the subject property are also located within National Wetlands Inventory (NWI) area. All development within jurisdictional wetlands requires review and approval from the United States Army Corps of Engineers. Riley's Creek, located on the western border of the subject property, is identified as a CAMA Area of Environmental Concern (AEC). No development is currently proposed within the AEC buffer area, however any new development within the AEC buffer would require review and approval from the North Carolina Department of Environmental Quality (NCDEQ).

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County Unified Development Ordinance. In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Other Personal Services		S				P	P	P	P		

EVALUATION:

- A. Public Notifications:** Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners were notified by first class mail; as well as a sign advertising the public hearing was placed on the subject property.
- B. Basis for Granting SUP:** See Attachment 1 for approval procedures (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural zoning district, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Real Estate and Rental and Leasing (NAICS 53) are permitted via Special Use Permit in the RA, Rural Agricultural zoning district.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Rural Growth in the 2010 Pender County Comprehensive Land Use Plan.

The Rural Growth land use classification defines those areas of the County where urban services such as public water and sewer are not expected to be provided, this limiting any surrounding residential development to low density. Incompatible residential and non-residential land uses in Rural Growth areas can be accommodated through spatial separation from existing residential development.

Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area. The SUP request may be supported by the following goals and policies within the 2010 Comprehensive Land Use Plan:

- i. **Policy 1A.1.5** -The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike
- ii. **Policy 8A.1.4** – Encourage agri-tourism business and on-site sale of agricultural products and related services.
- iii. **Policy 10A.1.8** – The County shall seek to foster a travel and tourism (including ecotourism) industry that is compatible with high quality of life as a means to facilitate diversification in the local economy.

This SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- E. Existing Land Use in Area:** The existing land use in the area is generally low density, single-family residential with areas of agricultural use. The subject property is bordered by Long Creek to the west and Riley's Creek to the south. Low density residential properties are located to the north and east. Vacant wooded land is located to the south, east, and west of the subject parcel.
- F. Site Access Conditions:** The applicant is showing existing driveway access to NC HWY 210. All proposed uses for the existing structures will be reviewed by NCDOT at the Major Site Development Plan submittal.
- G. Conditions To Consider In Issuing the Special Use Permit For This Project:**

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
3. The applicant shall meet all other local, state and federal regulations.
4. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.
5. Any expansions of the existing accessory structure must meet accessory use and structure requirements found in Section 5.3.3 of the Pender County Unified Development Ordinance.
6. Any expansion exceeding the requirements of Section 3.12.4.H of the Pender County Unified Development Ordinance will require a revision to the Special Use Permit.
7. Hours of operation shall be from 8:00am to 8:00pm, Monday through Thursday, and from 8:00am to 11:00pm on Friday and Saturday.

3.12.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
 - 1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
 - 2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
 - 3. The proposed use shall not constitute a nuisance or hazard;
 - 4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
 - 5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
 - 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
 - 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
 - 8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.