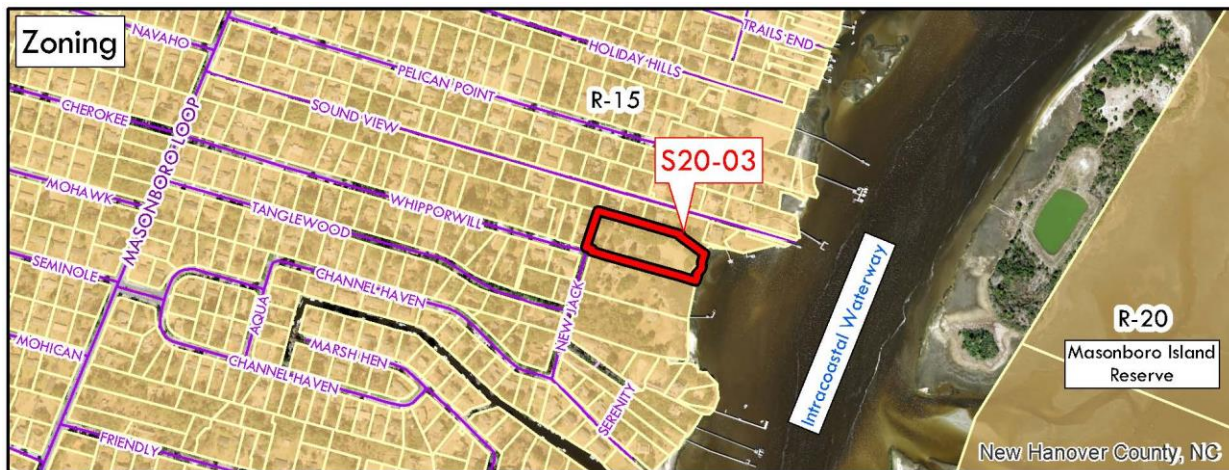


STAFF REPORT FOR **S20-03** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
Case Number: S20-03	
Request: SUP to operate an outdoor recreation establishment (wedding venue) in the R-15, Residential District	
Applicant: Anna Bessellieu McCauley	Property Owner(s): Frances Boney Bessellieu Revocable Trust;
Location: 175 Whipporwill Lane	Acreage: 2.77 acres
PID(s): R07213-007-032-000	Comp Plan Place Type: General Residential
Existing Land Use: Single-family dwelling	Proposed Land Use: Wedding Venue
Current Zoning: R-15	



SURROUNDING AREA		
	LAND USE	ZONING
North	Single-Family Residential	R-15
East	Intracoastal Waterway, Undeveloped (Masonboro Island Reserve)	R-15, R-20
South	Single-Family Residential	R-15
West	Single-Family Residential	R-15



ZONING HISTORY

October 15, 1969	Initially zoned R-15 (Masonboro)
-------------------------	----------------------------------

COMMUNITY SERVICES

Water/Sewer	Water is provided by private well and sewer is provided by CFPUA. Additional connections are not proposed to be made to the existing sewer.
Fire Protection	New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Station Myrtle Grove
Schools	Bellamy Elementary, Myrtle Grove Middle, and Ashley High Schools
Recreation	Trails End Park, Myrtle Grove School Park, Arrowhead Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

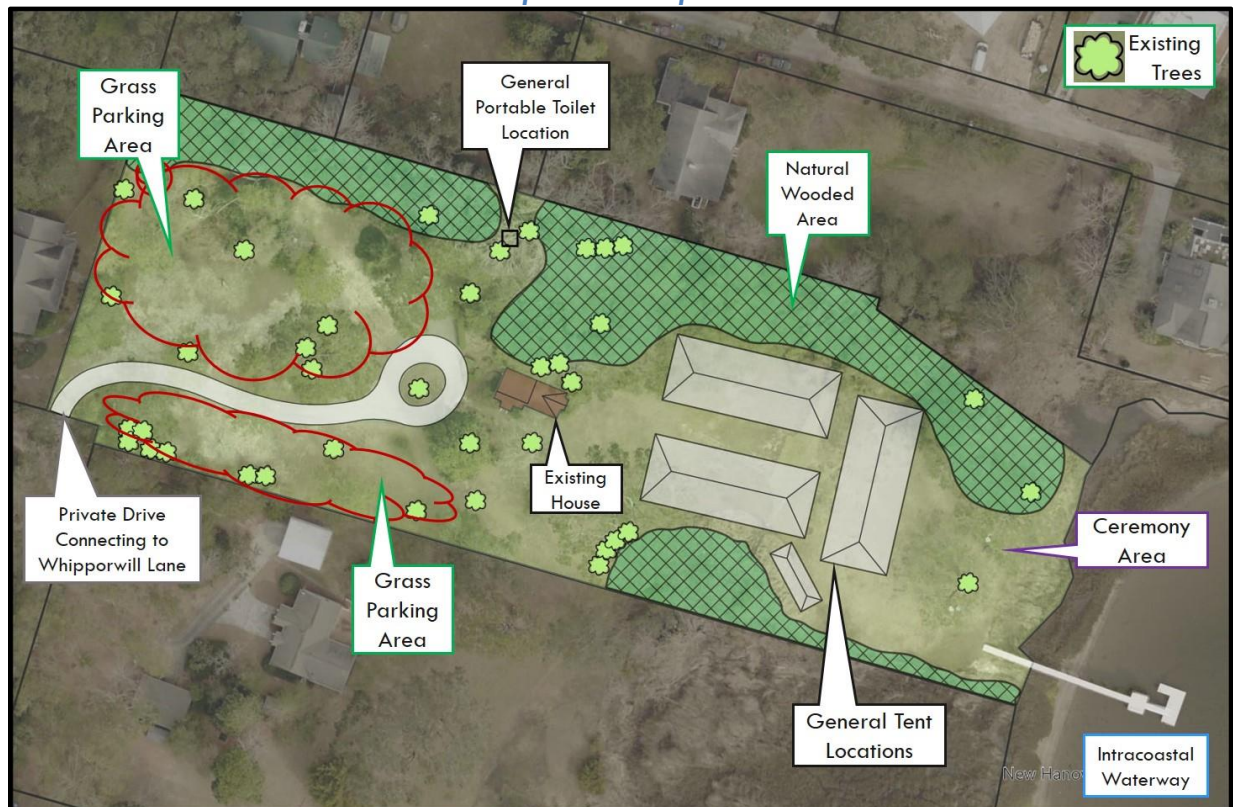
Conservation	Conservation resource maps indicate that salt marshes may be present in the eastern portion of the site. Additional wetland verification may be required if redevelopment or expansions were ever proposed in the future.
Historic	No known historic resources
Archaeological	No known archaeological resources

EXISTING CONDITIONS & PROPOSED CONCEPTUAL PLAN

- The applicant is seeking to obtain a special use permit to operate an outdoor recreation establishment (wedding venue) in the R-15 zoning district.
- According to the owner, the venue, Marker 137, has been providing wedding services at the subject site since about 2014. The County recently received a complaint regarding the venue from a nearby resident. Zoning Enforcement staff research indicates that the venue never received proper zoning approvals for this use. There are no prior complaint records and due to the remote location of the site, lack of signage, and limited operation, staff was unaware of this use at this location until the recent complaint. County staff then informed the property owner of the violation and that a SUP would be required to continue operation of the venue.

- The Unified Development Ordinance (UDO) does not include a specific use designation for wedding venues or private event venues so this use has been classified as “outdoor recreation” which is the most similar use in the UDO.
- As proposed, the wedding venue will provide a location for wedding ceremonies and receptions to take place on Fridays, Saturdays, or Sundays. In addition, the applicant proposes to limit the total number of weddings to a maximum of 16 events throughout the year. Depending on the venue’s schedule, multiple weddings may take place during the same month, however, the venue will be limited to one event per week.
- There is an existing house located near the center of the property. According to the applicant, the wedding party is permitted to use to house prior to the event but overnight lodging is not permitted.

Proposed Conceptual Site Plan



- The applicant has indicated that an average of about 125 guests attend the ceremonies that typically begin between 4:00 pm and 5:00 pm. Following the ceremony, the wedding party and guests transition from the ceremony area to the tent(s) where the reception takes place.
- Music is typically played for a duration of 3 hours and ends no later than 10:00 pm. The applicant stated that the location of the music vendors is alternated for each event in an effort to change the direction of the sound and provide some relief to the surrounding neighbors. Overall, each event lasts between 5 and 6 hours and guests begin to leave the venue around 10:00 pm.
- The applicant indicated that all guests and wedding parties are typically off the site by 11:00 pm. However, there is no specific deadline when all guests and wedding parties must be off the site.

- Prior to each event, the applicant schedules and coordinates the arrival of all vendors, including tent and supplies, lighting, portable toilets, music, and caterers. For a Saturday event, the tent vendors generally arrive on Thursday afternoon to set up which takes about 4 hours. The lighting and portable toilet vendors arrive at the site the day before the event (Friday) in order to have the site ready before the wedding party or guests arrive. The caterers and music vendors arrive about 2 hours before any ceremony. All vendors and equipment are removed from the site the day following each event.
- In addition to the vendors, the applicant anticipates that the wedding guests will arrive between thirty minutes to one hour before any wedding ceremony. With an average of 125 guests per event, the applicant anticipates that some guests will either drive or carpool in personal vehicles and park on site and some will utilize a private transportation service like Uber or Lyft. Due to the general nature of weddings, all guests do not remain at the wedding venue for the entire duration of the event. Traffic exiting the site following the ceremony is estimated to be staggered from around 6:00 pm to 11:00 pm.
- Each tent that is placed on the property is inspected by the New Hanover County Fire Marshal prior to the event to ensure they are properly secured and meet all North Carolina Fire Code requirements.

ZONING CONSIDERATIONS

- The applicant is proposing a wedding venue, classified as an outdoor recreation establishment, which would allow Marker 137 to hold wedding ceremonies and receptions during the weekend with all music ending no later than 10:00 pm. As proposed, all guests are not required to leave the site at 10:00 pm but are encouraged to leave by 11:00 pm. Because the operation requires tents, lighting, etc. before each event, the vendors would be permitted to arrive at the site a few days prior to each event in order to prepare the site for the wedding. The venue would be limited to a maximum of 16 events per year with only one event taking place per week.
- The applicant has indicated that all wedding activities and parking will be limited to the subject property. The western portion of the property has space to accommodate about 53 parking spaces and has been designed to ensure that all vehicles can be parked and exit the site without moving another vehicle. Prior to each event, the applicant will have a parking attendant direct guests to each parking area on the grass surrounding the existing driveway.

Photo of Existing House



Photo of General Tent Area (Ceremony Area to the Right)



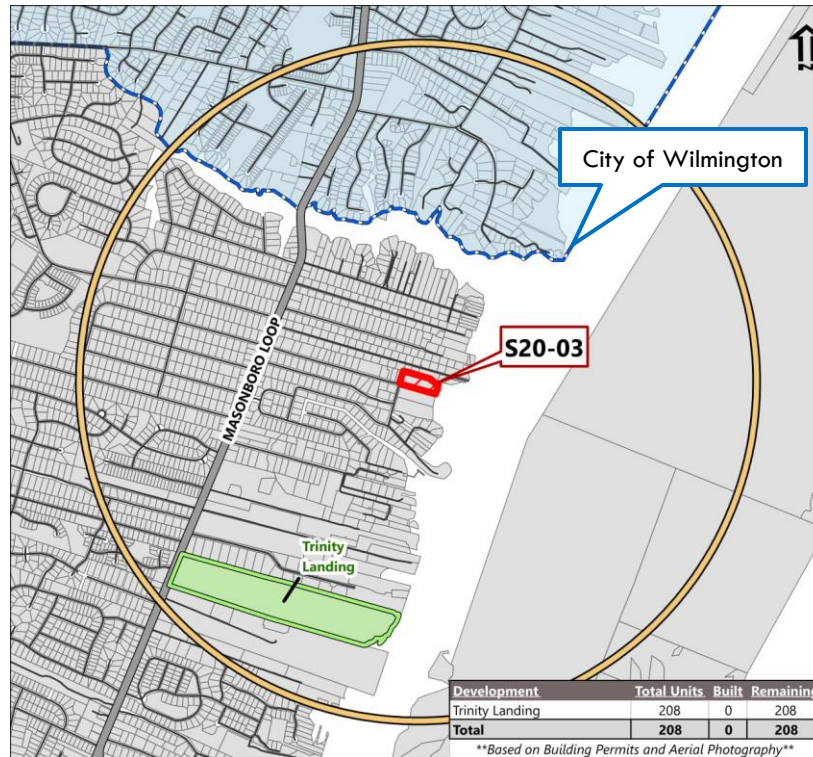
- There is an existing 30 to 50-foot-wide natural wooded area that acts as a buffer along the northern property boundary and provides visual and acoustical relief during each event.

Photo of Natural Wooded Area (Looking West to East)



- The applicant does not propose to construct any new structures on site. All tents, lighting, portable toilets, and music equipment are temporary and are on the site a few days before the event and are removed by the day after each event.

AREA SUBDIVISIONS UNDER DEVELOPMENT



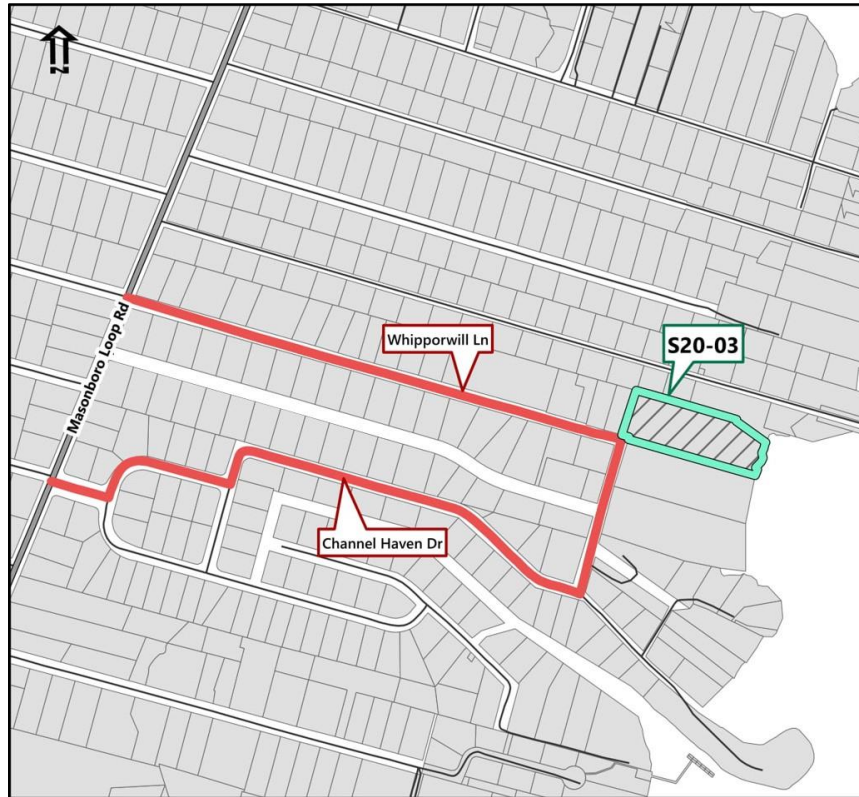
TRANSPORTATION

- Access is provided to the subject property by Whipporwill Lane (SR 1518), which is approximately 2,200 feet in length from Masonboro Loop Road to the subject property's driveway. About 90% of the road is paved and maintained by NCDOT. The site's driveway is located approximately 175 feet beyond the State maintained segment of Whipporwill Lane.

Photo of Whipporwill Lane Looking East Towards the Site



- The subject property is also accessible using North Channel Haven Drive, however, this is not the primary route that motorists would likely take to enter the site.

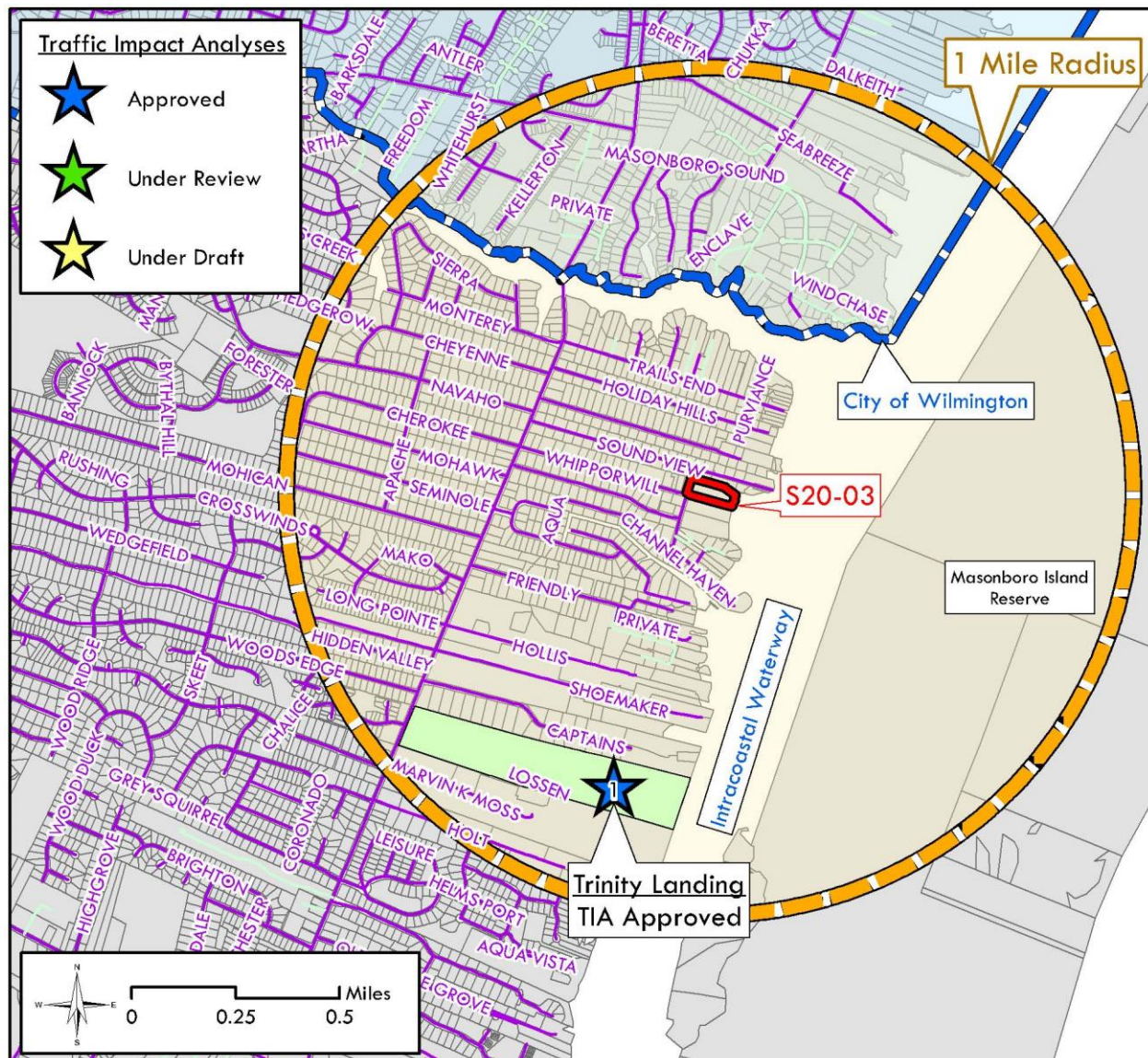


- The ITE Trip Generation Manual does not specifically address wedding venues or provide trip generation estimates for that specific use. Based upon information provided by the WMPO, a church is a similar use due to services taking place primarily on weekends with specific schedules for each service.
- Applying the church classification to a wedding venue with 125 guests, it would be expected to generate about 150 daily trips on the day of an event. The trips would be dispersed over the duration of the event and would not be expected to exceed 100 trips in the peak hour. However, the highest volume of traffic would likely be in the hour before the event start time.
- Because there have been no recent traffic impact analyses in the area addressing affected intersections, staff has provided the volume to capacity ratio for Masonboro Loop Road near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway. However, the available volume to capacity data indicates capacity currently exists along Masonboro Loop Road to support the expected additional traffic on event days.
- The most significant traffic impact would be to Whipporwill Lane, which is a local street that is not typically expected to handle event-level traffic volumes.

NCDOT Average Annual Daily Traffic (AADT) - 2018

Road	Location	Volume	Capacity	V/C
Masonboro Loop Road	North of Mohican Trail	14,500	18,035	0.80
Masonboro Loop Road	South of Masonboro Sound Road	14,500	18,035	0.80

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

There are no nearby NC STIP Projects within the 1-mile radius of the subject property that include improvements that affect this proposal.

Nearby Traffic Impact Analyses:

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.

Proposed Development	Land Use/Intensity	TIA Status
1. Trinity Landing	<ul style="list-style-type: none">• 220 Senior Adult Housing Dwelling Units• 7,350 square feet of Restaurant• 2,150 square feet of Convenience Market (open 15-16 hours)• 900 square feet of Beauty Spa• 6,900 square feet of Wellness Center	<ul style="list-style-type: none">• TIA approved June 23, 2017• 2020 Build Out Year
The TIA requires improvements be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none">• Installation of a northbound right turn taper turn lane on Masonboro Loop Road		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none">• None		
Development Status: Site work is currently underway.		

ENVIRONMENTAL

- The property does not contain any Natural Heritage Areas.
- Approximately half of the site (1.35 acres) is within the VE and AE Special Flood Hazard Area (SFHA). However, the applicant is not proposing any new construction on the site.
- The property is within the Whiskey Creek (SA;HQW) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation) and Class IV (unsuitable), however, the existing structure is currently served by CFPWA for sewer service, and the proposed use will utilize portable toilets for sewerage.
- Due to the property being located along the Intracoastal Waterway, additional wetland verification may be required if redevelopment or expansions were ever proposed in the future.

CONTEXT AND COMPATIBILITY

- According to the applicant, the subject property has been used as a wedding venue since around 2014. The county only became aware of its existence because of a recent complaint. The applicant does not propose to modify or further develop the site except that temporary tents, lighting, portable toilets, and music equipment will be placed on the property a maximum of 16 times per year.



Marker 137 Wedding Event

- The subject property and proposed use are subject to the New Hanover County Noise Ordinance, which regulates noise levels after 10:00 pm. Although music is typically played for a duration of about 3 hours following the wedding ceremonies, Marker 137 is subject to the same noise regulations as the adjacent single-family homes.
- The applicant positions the music equipment so that sound is projected primarily towards the Intracoastal Waterway. Some sound is projected towards the northern or southern properties, however, the applicant changes the direction in which the speakers face from one event to another. The natural wooded area along the northern property boundary helps buffer the noise from the adjacent homes on that side of the site. Although, based on comments from nearby neighbors, the music is still audible.
- Larger events located within residential areas such as garage sales, holiday parties, and other family parties are typically limited in duration, scale, and scope. These types of events are often scheduled intermittently throughout the year and are less likely to take place on a weekly, or even monthly basis.
- Staff is not aware of a similar wedding venue in the area for comparison, but did find an example of an outdoor wedding venue in Florida that is located adjacent to residential areas. Although there are some similarities, the example facility has direct access to a major road and also has indoor facilities to support events.



Wedding Venue Example (Central Florida)

Subject Site Near Existing Neighborhoods



2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



Future Land Use Map Place Type	General Residential
Place Type Description	<p>Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.</p>
Analysis	<p>This type of outdoor wedding venue is not specifically addressed by the Comprehensive Plan. While this type of use falls under the Outdoor Recreation use category in the Unified Development Ordinance, it is not the type of recreational use intended by the Comprehensive Plan, which uses the term to describe uses like parks and boating facilities. Instead, the requested wedding venue would be considered a commercial enterprise for the purposes of the Comprehensive Plan.</p> <p>General Residential places do allow for strategically located office and retail spaces in order to provide basic goods and services for nearby residents. These types of commercial uses would typically be located on the edges of neighborhoods or in locations with direct access to arterial or collector roadways to limit non-residential traffic.</p> <p>The subject property is located within an existing single-family neighborhood and is accessed by Whipporwill Lane, a State maintained road except for the easternmost 175 feet where the site's driveway is located. The road serves approximately 40 homes. In addition to the adjacent residences along Whipporwill Lane and New Jack Road, the site is directly adjacent to several homes located in other neighborhoods due to</p>

	<p>its waterfront location. Some homes have sight lines of the outdoor activity areas associated with the use.</p> <p>The location of the requested use in an established single-family neighborhood may contribute to impacts not typically associated with residential uses or areas. While the event venue could provide a service to the county residents, this type of venue typically attracts guests from outside the local Masonboro community and does not provide a direct service or benefit to the surrounding neighborhood or contribute to its residential character.</p>
--	---

STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

Conclusion 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.

- A. Sewer service is currently provided by CFPUA. Additional connections will not be made to the existing sewer as the proposed use will utilize portable toilets for sewerage.
- B. The subject property is located in the New Hanover County Southern Fire Service District.
- C. New Hanover County Fire Services inspects each tent that is placed on the property before every event.
- D. No food service is provided by the venue owner. All caterers for each event are licensed and insured vendors.
- E. The existing 30 to 50-foot-wide natural wooded area along the northern property boundary acts as a buffer and provides some visual and acoustical relief during the events.
- F. The location of the music vendors is alternated from one event to another to prevent one side of the property always having the speakers facing towards them. The subject property is subject to the New Hanover County Noise Ordinance, which regulates the noise levels between 10:00 pm and 7:00 am within residentially zoned properties.
- G. The wedding venue carries wedding liability insurance and requires each event to purchase one-day event insurance.
- H. The subject property is located at the end of a local road that is State maintained for approximately 90% of its length. The last 175 feet, where the site's driveway is located, is unimproved and privately maintained.

Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Unified Development Ordinance.

- A. The site is zoned R-15, Residential District.
- B. Outdoor Recreation Establishments are allowed by Special Use Permit in the R-15 zoning district.

- C. The Unified Development Ordinance (UDO) does not include a specific use designation for wedding venues or private event venues so this use has been classified as “outdoor recreation” which is the most similar use in the UDO. While the closest use is classified as outdoor recreation, these types of venues have more characteristics of a commercial business like a concert venue or drive-in theater than a public recreation space like a park or boating facility.
- D. The proposed conceptual plan will comply with all applicable technical standards of the Unified Development Ordinance including buffering and parking requirements if the Special Use Permit is approved. No additional site improvements are required.

Conclusion 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

- A. No new construction is proposed to accommodate the wedding venue operation. All tents, lighting, portable toilets, and music are temporary and are on the site a few days before the event and are removed by the day after each event.
- B. The applicant provided a report prepared by a real estate appraisal and consulting firm (Jeffrey Weaver – *Certified Residential Appraiser #NCA3037*). In the report, Mr. Weaver concluded that “there would be no negative impact on value of the neighboring properties of the subject by it being used as a wedding event location” and “the subject properties overall location and lot layout as well as the extensive amount of buffer area between the neighbor’s properties indicates the use as a wedding event location should not cause any impact on normal activities for the neighbors.”

Conclusion 4: The Board must find that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

- A. The subject property is located within an existing single-family neighborhood and is accessed by Whipporwill Lane, a State maintained road except for the easternmost 175 feet where the site’s driveway is located. The road serves approximately 40 homes. In addition to the adjacent residences along Whipporwill Lane and New Jack Road, the site is directly adjacent to several homes located in other neighborhoods due to its waterfront location. Some homes have sight lines of the outdoor activity areas associated with the use.
- B. This type of outdoor wedding venue is not specifically addressed by the Comprehensive Plan. While the wedding venue was classified under the general Outdoor Recreation use category in the Unified Development Ordinance, it is not the type of recreational use intended by the Comprehensive Plan, which uses the term to describe publicly accessible uses like parks and boating facilities. Instead, the requested wedding venue would be considered a commercial enterprise for the purposes of the Comprehensive Plan.
- C. The location of the requested use in an established single-family neighborhood may contribute to impacts not typically associated with residential uses or areas. While the event venue could provide a service to the county residents, this type of venue typically attracts guests from outside the local Masonboro community and does not provide a direct service or benefit to the surrounding neighborhood or contribute to its residential character.

Suggested Conditions

1. The wedding venue shall be limited to a maximum of 16 events per calendar year with all events taking place on Fridays, Saturdays, or Sundays.
2. The wedding venue shall not allow any music to be played later than 10:00 pm.
3. All parking shall be contained within the subject property and no on-street parking shall be permitted along Whipporwill Lane or New Jack Road.
4. The property owner or venue operator shall notify all property owners with street addresses along Whipporwill Lane and Sound View Drive prior to any event taking place on the property.

EXAMPLE MOTIONS

Example Motion for Approval:

Motion to recommend approval, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[OPTIONAL] Note any additional findings of fact related to the four required conclusions.

[OPTIONAL] Note any conditions be added to the development:

[List Conditions]

Suggested Conditions:

1. The wedding venue shall be limited to a maximum of 16 events per calendar year with all events taking place on Fridays, Saturdays, or Sundays.
2. The wedding venue shall not allow any music to be played later than 10:00 pm.
3. All parking shall be contained within the subject property and no on-street parking shall be permitted along Whipporwill Lane or New Jack Road.
4. The property owner or venue operator shall notify all property owners with street addresses along Whipporwill Lane and Sound View Drive prior to any event taking place on the property.

Example Motion for Denial:

Motion to recommend denial, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

[State the finding(s) that the application does not meet and include reasons why it is not being met]