



CONDITIONAL USE PERMIT STAFF REPORT

Case Number: **ZCR1076**

Report Date: **January 25, 2010**

Applicant: **Todd A. Morse**

Zoning: RA

Applied For: Bed & Breakfast, Farm-based Tourism Enterprise, Farm Markets,
Home Occupation of a Commercial Nature,

Tax Parcel ID Number(s): 5955-00-44-0319

Nature of the Request

Overview: The applicant proposes a multi-faceted agri-business, education and tourism facility housed in several structures and spread over the central portion of an 87+-acre working farm.

Minimum Yard Setbacks: 80 feet front, 24 feet side, and 50 feet rear. The use would be located on 87.20 acres.

Screening Devices Required: Yes. Applicant submits that existing natural buffering would satisfy ordinance requirements. Significant wooded areas would screen all planned and existing structures from the side and rear adjoining properties.

Perennial Stream Buffers: 50-foot undisturbed natural buffer is required

Parking Required: Yes. The site plan shows 22 spaces near the central facilities. Due to the multi-use nature of the project, the Planning Board should address with the applicant whether these will be adequate.

Loading Required: No Number of Spaces: n/a

Required Development Conditions:**[From Article 16. Conditional Uses: Section 8]****Bed and Breakfast**

Zoning Districts: RA, RE, RR, RL, RG, MR, CP

Site Standards:

1. Guestrooms or guesthouses shall not be equipped with kitchen or cooking facilities.
2. If operation utilizes guesthouses then maximum density requirements shall be two (2) units per acre; however, the Surry County Health Department may revise minimum lot size requirements through site evaluations, on a case-by-case basis.
3. There shall be no less than one (1) bathroom, consisting of a bath or shower, water closet, and lavatory for every two (2) guestrooms.
4. Parking shall not be allowed in any front yard, unless facility utilizes guest houses.

Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Article 18 (Buffers and Screening) of this Ordinance.

Farm-Based Tourism Enterprise

Zoning Districts: RA, CP

Site Standards:

1. The minimum lot size for a farm-based tourism enterprise shall be as follows:
 - a. 10 acres - No more than 150 visitors/customers per day.
 - b. 40 acres - No more than 300 visitors/customers per day.
 - c. 80 acres - More than 600 visitors/customers per day.
2. Overnight lodging associated with the enterprise shall comply with the requirements for "Bed and Breakfast" facilities found in Article 16, Section 8 of this Ordinance.
3. Structures, storage areas, and parking areas associated with the enterprise shall be setback at least 75 feet from all property lines and public rights-of-way. The Planning Board may require greater setbacks on a case-by-case basis.
4. Shall only be permitted in conjunction with an existing, working farm. Enterprise shall be incidental to the activities of the farm.
5. The enterprise shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for farm-based tourism enterprises as long as they are considered a single farm entity.

6. All storage areas associated with the enterprise shall not be visible from adjoining or nearby properties or any public rights-of-way.

Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

Additional Requirements:

1. Retail goods may be sold as an incidental option so as that the items sold are related to the enterprise. This includes a gift shop.
2. Any activities associated with the enterprise shall be subject to the Surry County Noise Ordinance.

Farm Markets

Zoning Districts: RA, CP

Site Standards:

1. The minimum lot size for a farm market shall be as follows:
 - a. 10 acres - No more than 150 visitors/customers per day.
 - b. 40 acres - No more than 300 visitors/customers per day.
 - c. 80 acres - More than 600 visitors/customers per day.
2. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. each day.
3. Structures, storage areas, and parking areas associated with the market shall be setback at least 75 feet from all property lines and public rights-of-way. The Planning Board may require greater setbacks on a case-by-case basis.
4. Shall only be permitted in conjunction with an existing, working farm. Farm market shall be incidental to the activities of the farm.
5. The market shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment as long as they are considered a single farm entity.
6. All storage areas associated with the market shall not be visible from adjoining or nearby properties or any public rights-of-way.

Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

Additional Requirements:

1. A minimum of 50% of the products sold must be agricultural products produced on-site.
2. Shall only be an accessory use to the working or active farm; farm market cannot be the principal use on the property/properties.

Home Occupation of a Commercial Nature

Zoning Districts: RA

Site Standards:

1. Unlike the usual home occupation, accessory buildings or structures may be used in connection with the home occupation of a commercial nature, with a minimum setback of twice (2x) what is required by this Ordinance.
2. All uses associated with the home occupation of a commercial nature must be located in the side or rear yard of the property.
3. All storage associated with the home occupation of a commercial nature must be stored indoors; outdoor storage shall not be permitted.
4. The Planning Board will determine if the proposed use fits the definition of home occupation of an commercial nature.

Screening: All structures associated with the home occupation of a commercial nature shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article 18 (Buffers and Screening).

Operational Requirements:

1. The owner of the business must reside on the property on which the business is located.
2. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.

Property Specifics

Property Owners: Todd A. Morse, Lisa G. Morse
Property Location: 423 Burge Road, Pinnacle, NC 27043
Township: Pilot **Acreage:** 87.20

Deed Book: 1284 **Page:** 711

Zoning History of Parcel(s): This parcel has been zoned RA since 2001.

Character of the Area

Overview: Agricultural with open spaces and woodlands, low density residential and scattered community-based non-residential.

Existing Land Use(s) on the Property: 3,300 square-foot greenhouse, 5 smaller agricultural outbuildings

Surrounding Land Use(s) and Zoning:

Location	Land Use	Zoning
North	Residential, Agricultural, Woods	RA
South	Residential, Agricultural, Woods	RA
East	Residential, Agricultural, Woods	RA

West	Residential, Agricultural, Woods	RA
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Historic Properties: There are no inventoried properties located on or near the property.

Infrastructure and Community Facilities

Fire District: Shoals

Water and Sewer Services:

Private Well Private Septic Public Water Public Sewer

Public Water/Sewer Provider: None

Public Water/Sewer Planning: No public water and sewer plans are proposed for this area according to the Capital Improvement Plans.

Transportation:

Property Access: By Burge Road: 0.4 mile south from NC Highway 268, about 1.5 mile west of Pilot Mountain town limits. Secondary access west from Shoals Road via Jim McKinney Road.

Proposed Improvements: None are scheduled

Projected Traffic Generation: 490 vpd, 2009.

Thoroughfare Plan Consistency: Burge Road identified as a minor collector road.

Environmental Assessment

Topography: Rolling.

Flood Hazard: 100-year flood plain in SE corner of the property. No development plans affected.

Streams: Yes **Perennial:** Yes

Wetlands: No

Watershed: None

Watershed Development Density: n/a

Land Use Planning Consistency

Applicable Land Use Plan(s): Land Use Plan 2015

Future Land Use Classification(s): Rural Areas

Consistency Principle(s):

- 5.3.3 Encourage economic and commercial development that does not detract from the rural environment.
- 5.3.5 Maintain rural character.
- 5.2.6 Preserve open space.
- 5.4.5.13 Home-based occupations that are larger and more intensive than the typical “home office” may be permitted in appropriate locations within rural areas where the business is non-intrusive on the surrounding rural, agricultural, and residential areas and primarily are detached from the residence. These types of occupations should not be encouraged within medium-density residential areas.
- 5.4.6.2 Appropriate non-residential uses should be permitted in rural and agricultural areas on a case-by-case basis, which blend well with the rural/agricultural framework.
- 5.4.6.3 Agri-tourism and eco-tourism enterprises may be encouraged in appropriate rural and agricultural areas to provide access to the many natural, agricultural, and scenic areas of the County, which cannot be found in “non-rural” areas .
- 5.4.6.4 Agri-tourism and value-added agriculture enterprises should be protected from land uses that are incompatible; these forms of enterprises provide valuable resources to the County in the form of tourism and economic development.

Pre-application Meeting

Applicant met with staff on numerous dates, and received instructions on application requirements. Completed application and site plans received January 24, 2011.

Review Criteria

Since this process is quasi-judicial and only facts acquired during the hearing from testimony may be considered, staff does not provide a recommendation. Staff will present facts and answer any questions from the Board during the hearing.

Attachment(s)

Site plan, maps, photos.