

REQUEST FOR BOARD ACTION

ITEM NO. 26.

DATE OF MEETING: May 18, 2009

REQUESTED BY: Benjamin Andrea, Planner I, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Day Care Facility, Child (6 or more children).

BACKGROUND: The project location is located at 402 S. Alligator Lane, Willard, North Carolina.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for Day Care Facility, Child (6 or more children).

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: May 18, 2009
Case Number: SUP 09-05-18-12 McKoy
Applicant: Robrita McKoy
Property Owner: Robrita McKoy

Land Use Proposed: The applicant is proposing a Day Care Facility, Child (6 or more children).

Property Record Number and Location: The property is identified by record number 3313-69-9934-0000 and is located at 402 S. Alligator Lane, Willard.

Zoning District of Property: The property is zoned B-2, Business District (Highway).

PROJECT DESCRIPTION:

The applicant is requesting approval of a Special Use Permit for the operation of a child care facility for no more than 8 children within her 1,334 heated square foot residence at 402 S. Alligator Lane, Willard.

The property consists of 0.64 acres located in Welsh Landing Estates, off of US Highway 117 in Willard, North Carolina. The property is surrounded by single-family residences, and the applicant/owner has lived at the residence since December 2008. The applicant/owner has also been operating a permitted, licensed child day care facility for 5 children since March 13, 2008.

The applicant is proposing to operate the business 24 hours per day Monday through Friday, and aside from the applicant there will be one other employee that will substitute for the applicant as necessary. The property includes ample parking for customers to drop off and pick up their children, and the applicant has indicated that rarely will there be more than one customer dropping off or picking up at any one time and therefore increased traffic in the neighborhood will not occur as a result of the proposed project.

The applicant has received satisfactory approval for the project from County Departments. The Department of Environmental Health has approved the applicant's septic system for the additional burden. The facility has been approved for day and night time care by the Fire Marshal, and the Department of Social Services has indicated that the applicant must conform to the regulations imposed by the State of North Carolina Department of Health and Human Services Division of Child Development.

EVALUATION:

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail.
- B) Basis for Granting SUP:** See Attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).
- C) Zoning Ordinance Compliance:** The property is zoned B-2, Business District (Highway). Child Day Care Facilities (more than 6 children) are permitted in the B-2 zoning district by special use permit. (see attached zoning map).
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Transition Area. Under the current CAMA Land Use Plan, this land classification provides for areas of more intensive community development where the county is making plans to develop public services, and where access to transportation is excellent. According to the current CAMA Land Use Plan, development

will include residential uses, commercial and office uses, and employment uses that can take advantage of the services and transportation access available.

E) *Existing Land Use in Area:* The applicant/owner currently resides on the property, and the neighboring parcels are single-family residences.

F) *Site Access Conditions:* The property has direct access to South Alligator Lane for ingress and egress. South Alligator Lane is approximately 0.18 mile from US Highway 17 North.

G) *Conditions Governing Special Use Permit Approval:*

1. The project shall comply with and be maintained in accord with all provisions of all applicable sections of Pender County Ordinances and all state and federal regulations.
2. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accord with Section 16 of the Pender County Zoning Ordinance.
3. No more than 8 children may be under care of the facility at any one time.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 18, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a day care facility, child (6 or more children), as described herein, and Jimmy T. Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

_____ 5/18/2009
 Jimmy T. Tate, Date
 Chairman

_____ 5/18/2009
 ATTEST Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

| THIS SECTION FOR OFFICE USE | | | |
|--|-----------------|-----------------------------|-----------------|
| Application No. | 09-05-18-12 | Date | 4/3/2009 |
| Permit Fee | \$200.00 | Receipt No. | 084564 |
| APPLICANT INFORMATION | | | |
| Applicant Name Robrita McKoy | | Owner Name Robrita McKoy | |
| Address: 402 S Alligator Lane Willard NC 28478 | | Address: SAME SAME | |
| Phone No: (910) 285-6337 | | Phone No: SAME | |
| Legal relationship of applicant to owner: self | | | |
| PROJECT INFORMATION | | | |
| Property tax record No. 3313-09-9934 | | Total property acreage: .64 | |
| Zoning Designation: B-2 | | Acreage to be disturbed: NA | |
| Acreage to be used for project: N/A | | (EXISTING BUILDING) | |
| Project location and address: 402 S Alligator Lane Willard NC 28478 | | | |
| Describe activities to be undertaken on project site: providing childcare | | | |
| SIGNATURES | | | |
| Applicant: Robrita McKoy | Date: 4-3-09 | Owner: Robrita McKoy | Date: 4-3-09 |
| NOTICE TO APPLICANT | | | |
| <ol style="list-style-type: none"> 1. Applicant must also submit the information described on page two of this form. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3). 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. | | | |

SPECIAL USE PERMIT APPLICATION CHECKLIST

| | |
|-----|---|
| 1. | Signed application form |
| 2. | Application fee |
| 3. | Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list maybe compiled from the public PC terminal in the Pender County Tax Office). |
| 4. | One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list. |
| 5. | <p>Project Narrative--Written description of the project (<u>max of 3 pages</u>) including the following:</p> <ul style="list-style-type: none"> • Location of the project and type of access to project site • Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. • Description of all construction activities to be undertaken on the site. • Describe type of utilities that will serve project and status of approval from Environmental Health. • List of all state and federal permits that will be required for the project • Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project. |
| 6. | <p>Project Map(s)--Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following:</p> <ul style="list-style-type: none"> • Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph. • Access from the site and/or project boundaries to the nearest publicly maintained road. • Location of any existing structures or uses on the property and within 50' of the property. • Location of the project boundaries if they do not coincide with the property boundaries. • Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities. • Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site. • Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect. 16, Sect. 13.3 C., and Sect. 8.6 D., E., F. & G. of the Zoning Ord.). • Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.). • All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.). • Pedestrian walks, area lighting and flood lighting. • Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas & known or designated wetlands on the site. • Drainage plan and/or direction of flow of runoff from the project and site. • After review by the Planning and Community Development Department, additional information may be required to be submitted. • Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted. |
| 7. | Applications including more than one acre of disturbed area should consult for additional requirements. |
| 8. | Application received by <u>BDO</u> Date <u>4/3/09</u> |
| 9. | Application completeness approved by <u>BDO</u> Date _____ |
| 10. | Date scheduled for public hearing <u>5/10/09</u> |

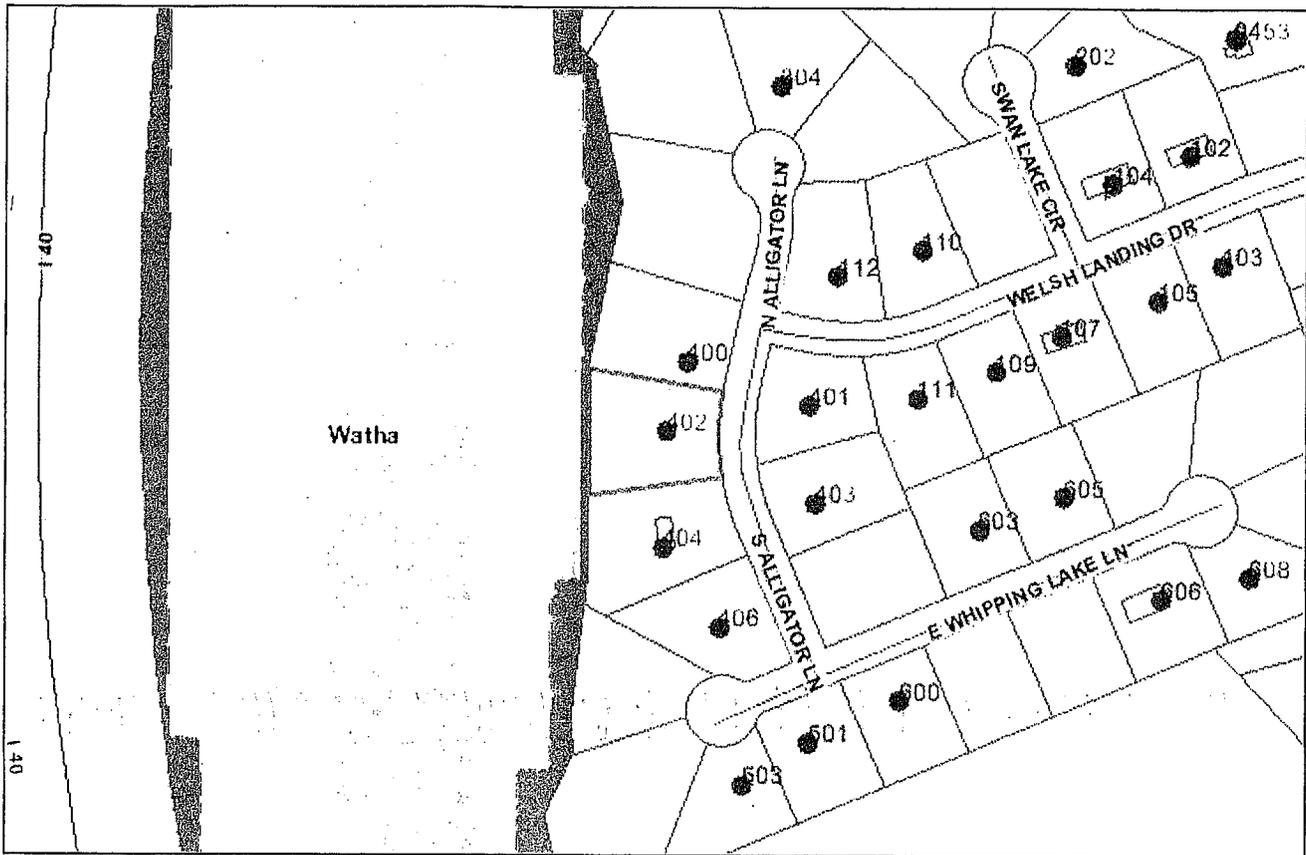
The project will be located at 402 S Alligator Lane in Willard. It is located off Hwy 117 in Welsh Landing Estates.

The activities that will be undertaken on the project site is a family childcare home. Hours of operation will be Monday through Friday 24 hrs daily. Other than myself, there will be one other employee. They will be listed as my substitute.

Environmental Health will be coming to check my utilities to ensure they are in safe conditions.

I have been issued my childcare license by the state of North Carolina. I am allowed to have eight (8) preschool children during the day. Parents will not arrive at the same time to pick up their children. I have a driveway that is large enough for all parents to park in the yard. I currently have permission from the state of North Carolina to care for five preschool children until the zoning process is completed.

No loud noises will be a problem at this location.

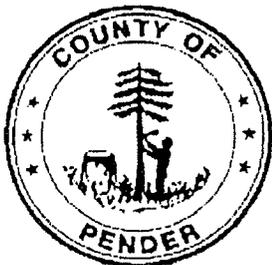


Parcels

| | | | | | |
|--------------------------|-------------------------------|--------------------|-----------------------|----------------------|-----------------------|
| Name: | MCKOY ROBRITA KASHANNA | PIN: | 3313-69-9934- 0000 | Deed: | 3536/064 |
| Deed Date: | 10/15/2008 | Plat: | 00320085 | Address: | 402 S ALLIGATOR LN |
| City: | WILLARD | State: | NC | Zip: | 28478 |
| Land Value: | 13601 | Building Value: | 49305 | Deferred Value: | 0 |
| Total Value: | 62906 | Tax Codes: | G01 F27 R40 S64 | Zone: | SEEMAP |
| Subdivision: | WELSH LANDING | Neighborhood: | 00 | Property Address: | 402 S ALLIGATOR LN |
| Account: | 915469 | Acres: | 0.64 | Township: | UNION |
| Property Description: | L15 PB 32/85 WELSH LANDING | Sales Price: | 175000 | | |

1:137 feet

Pender County GIS



This map is prepared for the invention of easements, found in the jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned data contain information that does not constitute a warranty of the accuracy of the information contained on this map. Pender County, North Carolina, legal responsibility for the information contained on this map.

| | | | | | | | |
|---|--|---|--|---|--|--|--|
| OWNERSHIP 03132009 915469 MCKOY, ROBRITA KASHANNA | | PROPERTY DESCRIPTION L15, PB 32/85, WELSH LANDING | | TAX SUBDIVISIONS TWP UNION | | PIN CARD NO 1 3313-69-9934-0000 | |
| 402 S ALLIGATOR LN WILLARD, NC DEED: 3536 064 10152008 | | 28478 175000 SCALE 1:187 | | 402 S ALLIGATOR LN TOPO STREET UTILITY LEVEL EXCELLEN | | PENDERLEA FIRE PENDER EMS 564 ZONING SEEMAP 1.00 0.64 ACRES | |
| RECORD NUMBER: 38207 ROUTE 2400.0 LISTER: AP 010509 - E REVIEW: JB 072902 | | NOTES: | | | | | |
| # LAND CLASS SIZE BASERATE*FRNT*DPH*ADJ=ADJRATE*UNITS=LND-VALUE 2 02M rural 0.64AC 16100 1.32ACF 21252 0.64 13601 | | | | | | | |
| LAND VALUE: # OTHER FEAT SIZE BASERATE*COND =ADJRATE*UNITS=RCNOB-VAL 13601 | | | | | | | |
| +-----A56-----+ A24 31 1334 A24 +A5+ +-----A22-----+B5+-----A29-----+ | | OTHER VALUE: FNDATION XTRFNISH ROOFTYPE ROOFMTRL SIZE/QTY BRICK ALU/VINL GABLE COMP SHI | | RCN: 0 RCNLD: 0 DPRT: 5 MAP: 00320085 | | 1.0 STHT 3 BDRM 5 ROOM | |
| DWELLING DOUBLEWDC. B2008 DIMENSIONS: A- CU24R56D24L29U2L5D2L22 B- R22CU2R5D2L5 | | AVERAGE CONDITION ADJ: 0% | | | | | |
| # STRUCTURE SKTCH- SF*STHT= AREA RATE*GRDF+HEAT+EXWL *WLHT=ADJRAT* AREA= RPCN* DEPF*CNDF=STR-VALUE A 31DOUBLE W 1334 1.0 1334 32.66 2.80 35.46 1334 47304 47304 B 2 BATHS 10 1.0 10 1800 1800 1800 B 80CPORCH 10 1.0 10 20.07 20.07 10 201 201 | | | | | | | |
| PRIOR VALUE LAND 11532 BLDG | | 1334HSF, 1344TSF | | RPCN- 36.96/H5F | | 49305 VALU- 36.96/H5F STRUCTURE VALUE: 49305 APPRAISED- VALUE: 62906 | |

Adult Day Care & Child Care Fire Inspection Report

COUNTY: Pender DATE OF INSPECTION 3-4-2009 Facility ID # 71000???

Please complete all items below. If not applicable, check N/A in the box with a written explanation attached.

Name of Facility Shawn Learn Day Care Adult Child XX
 Address 402 S. Alligator Lane Telephone (910) 283-6337
 City Willard NC Zip 28478 Responsible Party Robrita McKoy

GENERAL PRECAUTIONS:

1. Attic/basement/closets/fumace room & heaters clear of trash & combustible materials.
2. Clearance from ignition sources & combustible materials maintained.

| YES | NO | NA |
|-----|----|----|
| ✓ | | |
| ✓ | | |

EMERGENCY PLANNING:

3. Approved evacuation plan posted.
4. Evidence of monthly fire drills posted.
5. Record of employee training in fire prevention/evacuation & annual fire safety training on site.

| | | |
|---|--|--|
| ✓ | | |
| ✓ | | |
| ✓ | | |

FIRE SERVICE FEATURES:

6. Street numbers posted. (Contrasting color to building & height 4" or more.)
7. Unobstructed fire apparatus road (width of 20' & vertical clearance of not less than 13' 6").
8. Hydrants/Fire Department connections/control valves clear of obstructions by 3'.

| | | |
|---|--|--|
| ✓ | | |
| ✓ | | |
| ✓ | | |

BUILDING SERVICES AND SYSTEMS:

9. Approved heating system, listed. (No fuel burning space heaters.)
10. Emergency lighting/exit lights in good operating order.
11. Electrical panels clear of storage (minimum 30").
12. Wiring/fixtures in good condition. (Extension cords not suitable for permanent wiring.)
13. Type I hood system over all domestic cooking appliances that produce grease laden vapors

| | | |
|---|--|---|
| ✓ | | |
| | | ✓ |
| ✓ | | |
| ✓ | | |
| ✓ | | |

FIRE RESISTANCE RATED CONSTRUCTION:

14. Required fire resistant rating maintained. (Walls, partitions, floors)
15. Door-hold open devices/automatic door closures operating properly.

| | | |
|---|--|--|
| ✓ | | |
| ✓ | | |

INTERIOR DECORATIONS & FURNISHINGS:

16. No storage of clothing/personal effects in corridors & lobbies
17. Maximum 10% of decorative materials covering walls. Does not apply to artwork & teaching material in classroom. Nothing suspended from ceiling.
18. 20% maximum coverage for artwork & teaching material located on corridor walls.
19. Exits free of obstructions.

| | | |
|---|--|--|
| ✓ | | |
| ✓ | | |
| ✓ | | |
| ✓ | | |

FIRE PROTECTION:

20. Sprinkler system maintained with annual test reports provided.
21. Smoke detector/fire alarm system maintained with annual test reports provided.
22. Approved extinguishers mounted properly & in good working order.
23. Cooking suppression systems & hood exhaust properly maintained.
24. Protective guards (such as screens) on fuel burning furnaces or fireplaces provided.

| | | |
|---|--|---|
| | | ✓ |
| ✓ | | |
| ✓ | | |
| | | ✓ |
| | | ✓ |

MEANS OF EGRESS:

25. All exits & their access (i.e. aisles & corridors) free of obstructions.
26. All locking devices on exit doors are of an approved type.
27. Yards & fencing to allow unobstructed exit to exterior of site.

| | | |
|---|--|--|
| ✓ | | |
| ✓ | | |
| ✓ | | |

Approved for day time care only Approved for day time and night care

At the time of this inspection, the fire safety conditions in this facility were found to be:
 Satisfactory Unsatisfactory

Inspection by Tommy Beth, Fire Marshal Telephone 910-259-1210

Prepare form in triplicate -- One copy to be retained by local fire authority and two copies given to the operator.

State of North Carolina
Department of Health and Human Services
Division of Child Development

One Star Child Care License



Facility Name: Shaun's Learning Center
Facility Address: 402 S. Alligator Lane
Facility City/State/Zip: Willard, NC 28478

Issued to: McKay, Roberta
Age Range: 0 to 12
Capacity: 5
Effective Date: 3/13/09



In each area rated, this facility earned:
Staff Education: N/A
Program Standards: N/A
Total: N/A

- Restrictions:
- Daytime Care Only
 - 1 1/2nd Shift Only
 - Daytime and Overnight
 - Max. 5 Preschool children at one time
 - Fireplace/Woodstove not in use during operating hours
 - Max. 3 Preschool Children w/no more than 2 less than 3 years old
 - Other: _____

ID Number: 71000186
Type of Facility: Family Child Care Home

In accordance with Article 7, Chapter 110 of the North Carolina General Statutes, the above named child care facility is issued a rated license. Licenses vary from an overall rating of one to five stars, based upon their cumulative points in the three categories above. This license must be displayed in a prominent place so it may be available and shown to each child's parent or guardian when the child is enrolled. This license cannot be bought, sold, or transferred. It is only valid for the location/address noted above. This permit is the property of the State of North Carolina and must be returned to the Division of Child Development in the event of termination or revocation.

[Signature]
Dempsey Benton
Secretary, Department of Health and Human Services

[Signature]
Cynthia L. Bennett
Director, Division of Child Development

[Signature]
Child Care Consultant

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233



EXISTING SEPTIC APPROVAL

Page # 1

| | | | |
|-----------------------------|---------------------------------|------------------------|---------------------------|
| <u>Zoning Determination</u> | <u>Existing Septic Approval</u> | Permit# : 090480 | Fee : 125.00 |
| JP | 3/27/09 LEWIS | Issued Date : 04032009 | Code Violation: |
| | | Issued By : LK12 | GEO PIN# : 33136999340000 |
| | | EH - File # : 522032 | |
| | | EHS ASSIGNED LEWIS | |

Permitted Use

Home occupation - daycare

Description of Work

Shaun's Learning Center (Daycare)

Applicant: MCKOY ROBRITA KASHANNA
S ALLIGATOR LANE 402
WILLARD NC
Relationship of Applicant to Owner :

Work Phone: 9102856337
Home Phone:
Fax :

Owner : MCKOY ROBRITA KASHANNA
S ALLIGATOR LANE 402
WILLARD NC

Work Phone:
Home Phone:
Fax :

SITE ADDRESS : 4025 ALLIGATOR LANE
Subdivision : WELSH LANDING
Section/Block : Lot: 15
Township : UNION Deed Book/Page:
Plat Bk. & Page #:

WATER SUPPLY : N/A SEWER SERVICE N/Avate Septic

Directions to Site:

4025 Alligator Ln.

Requirements

STRUCTURE TYPE (MH, HOUSE, COMMERCIAL, OTHER-EXPLAIN) - DWMH
ORIGINAL SYSTEM OWNER - ARCHIE MCGIRT
DATE INSTALLED - 04/07/2000
ORIGINAL SYSTEM RECORD TANK GALLONS - 900
ORIGINAL SYSTEM RECORD DRAIN FIELD SQ/FT - 600
ORIGINAL RESIDENCE USE # OF BEDROOMS - 3
SYSTEM LOCATION (FRONT OR BACK) - FRNT
APPLICATION TYPE (REPAIR, MH RELOCATE, BLDG. ADD, OR OTHER) - OTHER
ISSUE RESIDENCE USE # OF BEDROOMS - 3
ISSUE FOR OTHER (EXPLAIN) - AT HOME DAYCARE

Conditions

Approval for 8 children afterschool care.

Notes

-Daycare/after school program for five children or less permitted by right in B-2. If more than 5 children in future, SUP is required. - per B. Andrea

to: Ben

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233

Page # 2



EXISTING SEPTIC APPROVAL

| | | | | | |
|-----------------------------|---------|---------------------------------|---------|------------------------|----------------------------|
| <u>Zoning Determination</u> | | <u>Existing Septic Approval</u> | | Permit# : 090480 | Fee : 125.00 |
| JP | 3/27/09 | LEWIS | 4/30/09 | Issued Date : 04032009 | Code Violation: |
| | | | | Issued By : LK12 | GEO PIN # : 33136999340000 |
| | | | | EH - File # : 522032 | |
| | | | | EHS ASSIGNED LEWIS | |

At the time of inspection no visible signs of malfunction were evident. However, since this is a subsurface sewage disposal system, it is impossible for this office to determine if any unauthorized modifications or misuse has occurred.

No warranty or guarantee is implied or expressed and future performance of this system is not assured by the Pender County Health Department.

Failing to maintain a properly operating septic tank system is considered a public health hazard and a violation of North Carolina State Laws and Rules Governing Sanitary Sewage Collection (Article 11 NC General Status Chapter 130A). Should the system malfunction or fail in the future, it shall be the responsibility of the owner to apply for a Permit for the repair of the system.

Dwelling shall be located a minimum of five (5) ft. from any part of septic system and repair area.

Permit valid for twelve (12) months from date of issuance

Signed :

Title:

PHS

Date :

4/30/09

Application/ Permit- Reconnection/ Change of Use/ Additional Structure

Note: Any reconnection, change of use, building addition or accessory structure or permanent foundation must receive approval from the Pender County Health Department.