



REQUEST FOR BOARD ACTION

ITEM NO. 24,

DATE OF MEETING: August 16, 2010

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

SHORT TITLE: Resolution to Approve Special Use Permit (SUP) for the Operation of a Child Day Care Services Facility

BACKGROUND: Carmelita Lee, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Residential Care Facility (NAICS Sector 6244 – Child Day Care Services) for up to 8 children in her home. The subject property is located at 6574 NC Highway 50, Maple Hill, NC. The property may be identified as Pender County PIN 3393-42-6036-0000. The property is currently zoned RP, Residential Performance, and uses in the NAICS Sector 6244 are permitted via SUP in the RP zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for a Child Day Care Services facility.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: August 16, 2010
Applicant: Carmelita Lee
Property Owner: Carmelita Lee
Case Number: SUP 10-08-16-07 Lee

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of a Residential Care Facility (NAICS Sector 6244 – Child Day Care Services) for up to 8 children in her home.

Property Record Number and Location: The subject property is located at 6574 NC Highway 50, Maple Hill, NC. The property may be identified as Pender County PIN 3393-42-6036-0000.

Zoning District of Property: The property is currently zoned RP, Residential Performance, and uses in the NAICS Sector 6244 are permitted via SUP in the RP zoning district.

PROJECT DESCRIPTION:

The applicant, Ms. Carmelita Lee, is requesting the approval of a Special Use Permit (SUP) for the operation of a residential child care facility for up to eight children per shift. Ms. Lee currently operates a residential child care facility for up to five children per shift; however, the proposed addition of three more children requires SUP approval as per the Pender County Unified Development Ordinance.

No construction activities or improvements are proposed.

Ingress and egress for the facility will be via the existing driveway to NC Highway 50. The NC DOT representative on the Pender County Technical Review Committee (TRC) did not indicate that additional driveway improvements or permits were required based on the proposal.

The applicant's existing operating hours are 24 hours per day, Monday through Friday, and are not proposed to change. The applicant indicated that the facility is currently licensed by the NC Department of Child Development for five children per shift, and the shifts operate as follows: 6:00am to 3:30pm, 3:30pm to 11:00pm, and 11:00pm to 6:00am. Because the request is for an additional three children per shift, the maximum possible increase in traffic realized by the project would be 6 trips per shift, or 18 trips per day. The applicant has indicated that rarely is more than one customer at the facility at any single time. Additionally, the applicant is and will be the only employee for the facility.

The proposed facility will utilize the existing well and septic system. An existing septic system inspection from Pender County Environmental Health will be required.

The property does lie within the AE Flood Hazard Area, but does not contain any Areas of Environmental Concern.

Technical Review Committee (TRC) comments/concerns:

Pender County Environmental Health (PCEH):

Pender County Environmental Health Department has indicated that the applicant must apply for an existing septic system inspection from PCEH to ensure the existing system can accommodate the increase in capacity from the proposed additional clients.

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 (§3.10.3 of Unified Development Ordinance) and revocation procedures (§3.10.4 of Unified Development Ordinance).
- C. **Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance, and uses defined under Sector 6244 (Child Day Care Services) are permitted in the RP zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. **2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within a Rural Cluster area. The proposed development is consistent with this classification, as the CAMA Land Use Plan states that home-based businesses, neighborhood service, and retail businesses are compatible uses within areas designated as Rural Clusters.
- E. **2010 Comprehensive Land Use Plan Compliance:** The subject property is currently classified within a Suburban Growth area. The proposed land use is compliant with the Suburban Growth land use designation, as the 2010 Comprehensive Land Use Plan allows for limited non-residential uses (commercial, office, or public/institutional) in areas with this classification.
- F. **Existing Land Use in Area:** The parcels immediately adjacent to the subject parcel are low-density single family residential, while a 22-acre parcel across NC Highway 50 is vacant and undeveloped.
- G. **Site Access Conditions:** The property has direct access to NC Highway 50 via two existing driveways.
- H. **Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
 - 1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
 - 2. A separate permit must be obtained for any proposed signs in accordance with Section 16 of the Pender County Zoning Ordinance.
 - 3. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
 - 4. 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.
 - 5. 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
 - 6. The project shall be developed and maintained in accord with the conditions contained in this permit.
 - 7. The hours of operation shall be 24 hours per day, Monday through Friday, as described herein.
 - 8. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site all debris shall be removed from the site prior to issuance of a zoning permit.
 - 9. Review of this proposal will occur within the regulations prescribed in the Pender County Unified Development Ordinance, Adopted June 21, 2010.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 16, 2010 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for residential child care facility, 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.

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

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

Jimmy T. Tate,
Chairman

08/16/2010
Date

ATTEST

08/16/2010
Date

Attachment A

3.10.3 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.

3.10.4 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.