



REQUEST FOR BOARD ACTION

ITEM NO. 7.

DATE OF MEETING: June 23, 2014

REQUESTED BY: Ed McCarthy, Planner II, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Operation of a Child Care Center.

BACKGROUND: Sharon Anita Henry, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Child Care Center. The property is currently zoned RP, Residential Performance District, and Child Care Centers are permitted via SUP in the RP zoning district. The subject property is located at the corner of Porter Road and Little Buddy Road in Currie, NC and may be identified as Pender County PIN 2286-13-5540-0000.

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

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a Child Care Center as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ McCoy ___ Brown ___ Tate ___ Ward ___

J. David Williams, Jr., Chairman 6/23/2014
Date

ATTEST 6/23/2014
Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: June 23, 2014
Applicant: Sharon Anita Henry
Property Owner: Sharon Anita Henry
Case Number: 11174

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a Child Care Center.

Property Record Number and Location: The subject property is located at the intersection of Porter Road and Little Buddy Road, in Currie, NC. It may be identified by Pender County PIN 2286-13-5540-0000. There is one tract associated with this request totaling 1.77 acres.

Zoning District of Property: The property is currently zoned RP, Residential Performance; according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Child Care Centers are permitted via Special Use Permit in the RP, Residential Performance zoning districts.

HISTORY:

The applicant obtained a Special Use Permit to operate a Child Care Center for 8 children on April 17, 2006 and on January 19, 2007 (Exhibit 4), the applicant was approved for a Special Use Permit Revision to add 4 additional children and operate a Child Care Center for 12 children on the same site (67 Little Buddy Road, Currie, NC 28435). Said facility is currently being operated within the applicant's home on a tract of land adjacent to the subject parcel.

PROJECT DESCRIPTION:

Sharon Anita Henry, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Child Care Center which is defined as,

"An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)."

The property is currently zoned RP, Residential Performance District, and Child Care Centers are permitted via SUP in the RP zoning district. The subject property is located at the corner of Porter Road and Little Buddy Road in Currie, NC and may be identified as Pender County PIN 2286-13-5540-0000 (Exhibit 1).

The applicant is proposing to construct an approximately 2,432 sq. ft. facility on a 1.77 acre vacant tract, along with associated parking and an outdoor playground and recreation area. The facility is proposed to accommodate approximately 30-40 children (5-6 employees) and operate

during the following times: Monday-Saturday, 6 a.m.-12 midnight, according to the applicant's submitted materials.

Shifts: 1) 6 a.m.-3 p.m. 2) 3 p.m.-12 a.m.

This application differs from the prior approvals in that the applicant is looking to both open a new facility on an adjacent parcel and add a greater capacity (30-40 children).

Access to the site will be provided onto Porter Road and is subject to review and approval by the North Carolina Department of Transportation (NCDOT).

The applicant is proposing to utilize an onsite well for potable water, and individual on-site septic system, both are subject to review and approval from the Pender County Environmental Health Department.

A conceptual site plan has been submitted for the proposed project and is designated as (Exhibit 3).

Prior to the issuance of zoning approval and building permits; a site development plan must be submitted and approved in accordance with the Pender County Unified Development Ordinance; a portion of that approval will require Section 8 Landscaping and Buffering. The site plan submitted with this application is considered conceptual and does not reflect any approvals or regulations in effect.

Use Type	Ref. NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GE	IT	GI	FC	
MISCELLANEOUS USES											
Child Care Center		P	S			S	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 A 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 RP, Residential Performance, and Child Care Centers 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. **2010 Comprehensive Land Use Plan Compliance:** The subject parcel is designated as Rural Growth. The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural

operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan*:

- a. *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.*

Additionally, the Special Use Permit (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 proposed tract is 1.77 acres in size and is surrounded by single family residential structures and manufactured homes.
- F. **Site Access Conditions:** Access to the proposed project will be onto Porter Road. The access is subject to review and approval by the North Carolina Department of Transportation.
- 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 Developed 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. 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 24 months after the notice of approval has been served to the applicant.
 4. The applicant shall meet all other local, state and federal regulations.
 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 outdoor recreation area shall not be utilized after sunset. The outdoor recreation area shall be utilized during daylight hours.
 7. Prior to final zoning being approved, the current off-site signage must be removed.

Attachment A

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.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	
Application Fee	\$ 300.00	Receipt No.	141074
Pre-Application Conference	April 2014	Hearing Date	6/23/2014
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Sharon Anita Henry	Owner's Name:	Same As Applicant
Applicant's Address:	67 Little Buddy Rd.	Owner's Address:	
City, State, & Zip	Currie, NC 28435	City, State, & Zip	
Phone Number:	910-283-2189	Phone Number:	
Legal relationship of applicant to land owner: Same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2286-13-5540-0000	Total property acreage:	1.77
Zoning Classification:	RP	Acreage to be disturbed:	
Project Address :	Porter Rd.	NAICS Code:	
Description of Project Location:	Located off of Porter Rd. in Currie, NC in front of my existing residence		
Describe activities to be undertaken on project site:	Establishment and operation of Dyamond's Child Care Center. Hours of operation: M-Sa, 6am - 12 midnight		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Sharon Henry</i>	Date:	4-11-14
Owner's Signature	<i>Sharon Henry</i>	Date:	4-11-14
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Special Use Checklist. 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 found on page 1 of this application 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. 			

Exhibit 2

April 10, 2014

Pender County Planning Board
Pender County Commissioners' Board
805 S. Walker Street
Burgaw, North Carolina 28425

Reference: Special Use Permit for Dyamond's Child Care Center

Dear Sir or Madam,

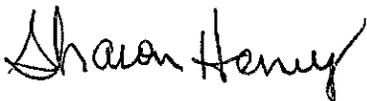
I am applying for a Special Use Permit to establish a child care center on the property located on Porter Road. Currently, I operate Dyamond's Child Care Center located at 67 Little Buddy Road in Currie, North Carolina, which I received a Special Use Permit.

It is my goal to receive to become a "5-Star" rated facility. A "1-Star" rating meets the North Carolina's minimum licensing standard for child care. As childcare provider, it's voluntary to obtain additional stars should I prefer to have higher star rating. This demonstrates to that I am choosing to do more in order to achieve a higher standard child care. My current childcare facility has a "4-star" rating, which is the highest I can receive based on my current capacity of 12 children/shift (operating 1st & 2nd shifts). Therefore, it's my desire to establish another childcare facility on the property located on Porter Rd. By having the additional facility, this will allow me to have more space needed for additional children, which will potentially allow for the increase of the star rating. I will continue to operate the childcare facility on Little Buddy Rd. as well as the new location. Hours at both facilities will remain the same and will be operated under the guidelines as set forth by the State of North Carolina.

With limited quality childcare being operated in my area, it's my desire to continue to provide this service within the local community of Currie, in addition to surrounding communities. As a childcare provider, it's important to know the not only meet the needs of the parents, but the needs of the children. Being a childcare provider for more than 13 years and having a B.S. degree in Childcare Education, I understand these needs very well and committed to meeting those needs.

Thank you in advance for your time and consideration in this matter.

Respectfully,



Sharon Henry, Owner/Operator
Dyamond's Child Care Center

10146

MINOR REVISION 1-19-2007

INTRODUCED BY: Frank N. Palmer

DATE: April 17, 2006

ITEM NO: _____

Special Use Permit – Child Care Center

SUBJECT: CASE NO: 06-04-17-06
PROPERTY RECORD NO: 2286-13-8622-0000
APPLICANT: Sharon Henry
OWNER: Sharon Henry

ACTION REQUESTED: Approval of Special Use Permit in order to accommodate 3 4additional children at Dyamond’s Day Care (8 12 children total).

HISTORY/BACKGROUND:

Project Location: The property is located at 67 Little Buddy Court in Currie, NC. (See attached location map)
Project Description: The property totals 1.43 acres with a fence to be installed in May. The proposed use consists of an existing 20’ x 20’ stick-built room addition on an existing Double Wide Mobile Home, totaling 2,080 square feet (400 square foot addition plus the 1,680 square foot Double Wide). The hours of operation will be 24 hours a day, 7 days a week. There will be a total of 3 employees (with 2 acting as substitutes when the applicant is unavailable). The applicant must have a special Use Permit for 6 or more kids before a State Child Care License for 8 12 children can be issued.

Project History: The applicant currently has a State Child Care License for 5 8 children. The existing structures on this site currently serve as the day care facility. The room addition allows the facility to increase its capacity to 8 12 children.

EVALUATION:

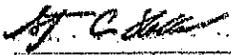
- A) *Public Notifications:* Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. Special Use Permit signs were posted on or near the proposed site.
- B) *Basis for Granting SUP:* See attachment A for approval procedures (15.3 of Zoning Ord.) and revocation procedures (15.4b of Zoning Ord.).
- C) *Zoning Ordinance Compliance:* This property is Zoned R-20 and an in-home Day Care Facility of 6 or more children is permitted via Special Use Permit (Section 8, Zoning Districts and Regs. of Zoning Ord.)
- D) *Land Use Plan Compliance:* This property is classified as Rural. This request is not wholly consistent with the 2005 Land Use Plan.
- E) *Existing Land Use in Area:* This property currently has residential and vacant land surrounding it. There is no other commercial business located in the vicinity
- F) *Site Access Conditions:* The property has direct access to Porter Rd (SR 1002), which is a state maintained road
- G) *Conditions to Consider in Issuing a 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. The in-home childcare will be available 24 hours a day 7 days a week, with the precise hours of operation dependent upon the needs of the families.
 3. No more than 8 12 children shall be cared for at onetime. With up to five pre-school age children (less than 5 years old) and three school age children (5 years old +), or as the state requires for a child care license for 12 children.
 4. Adequate off-street parking and turnaround space must be provided for the drop-off and pick-up of children in a safe and healthy manner.
 5. A fenced play area with a minimum of 4 ft high fencing must be provided for the health and safety of the children.
 6. Prior to obtaining a Certificate of Occupancy, the applicant shall provide Pender County Planning with all

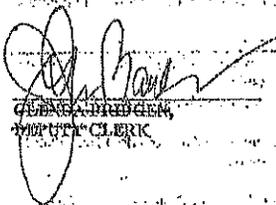
- necessary state and local approvals to operate in-home childcare for 8 children. Including:
- Approved Building Inspection from Pender County
 - Septic approval from the Pender County Environmental Health that addresses any increased volume/usage of the septic system that may occur.
 - Approved Zoning Permit from Pender County.
 - Separate permit for any allowable sign(s) to be installed.
- The applicant shall furnish a copy of her NC Child Care Center License for care of 8-12 children to Pender County Planning upon the State issuing her such.
 - Signs shall be in accordance with Section 16 of the Zoning Ordinance.
 - 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.
 - 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.
 - The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on April 17, 2006, the Pender County Board of Commissioners considered a Special Use Permit for Sharon Henry as described herein Stephen C. Holland, Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED Moore SECONDED Williams
 APPROVED DENIED UNANIMOUS
 YEA VOTES: MEADOWS WILLIAMS RIVENBARK HOLLAND MOORE


 STEPHEN HOLLAND, DATE 4/17/06
 CHAIRMAN


 CHERYL BRIDGEN, DATE 4/17/06
 DEPUTY CLERIC

SPECIAL USE PERMIT MINOR REVISION

- Four additional children permitted, bringing the total to twelve children allowed at Dyamond's Day Care.
- A Zoning Permit will not be granted until the Planning Department verifies that a fence has been erected as prescribed under the original SUP.
- All other conditions still apply.

Zoning Administrator: Kenneth W. Wajon Date: 1/19/07

Pender County Planning Department



805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

April 26, 2006

To: Sharon Henry
From: Pender County Planning Department
Subject: SUP Approval

Enclosed you will find your copy of the SUP Approval for Child Care Center with conditions. The BOCC met on April 17, 2006. You may come by the Planning Office to obtain your zoning permit.

If you have any questions you may contact the office.

FNP/bj



Applicant:
Sharon Anita Henry

Owner:
Sharon Anita Henry

Special Use Permit
11174

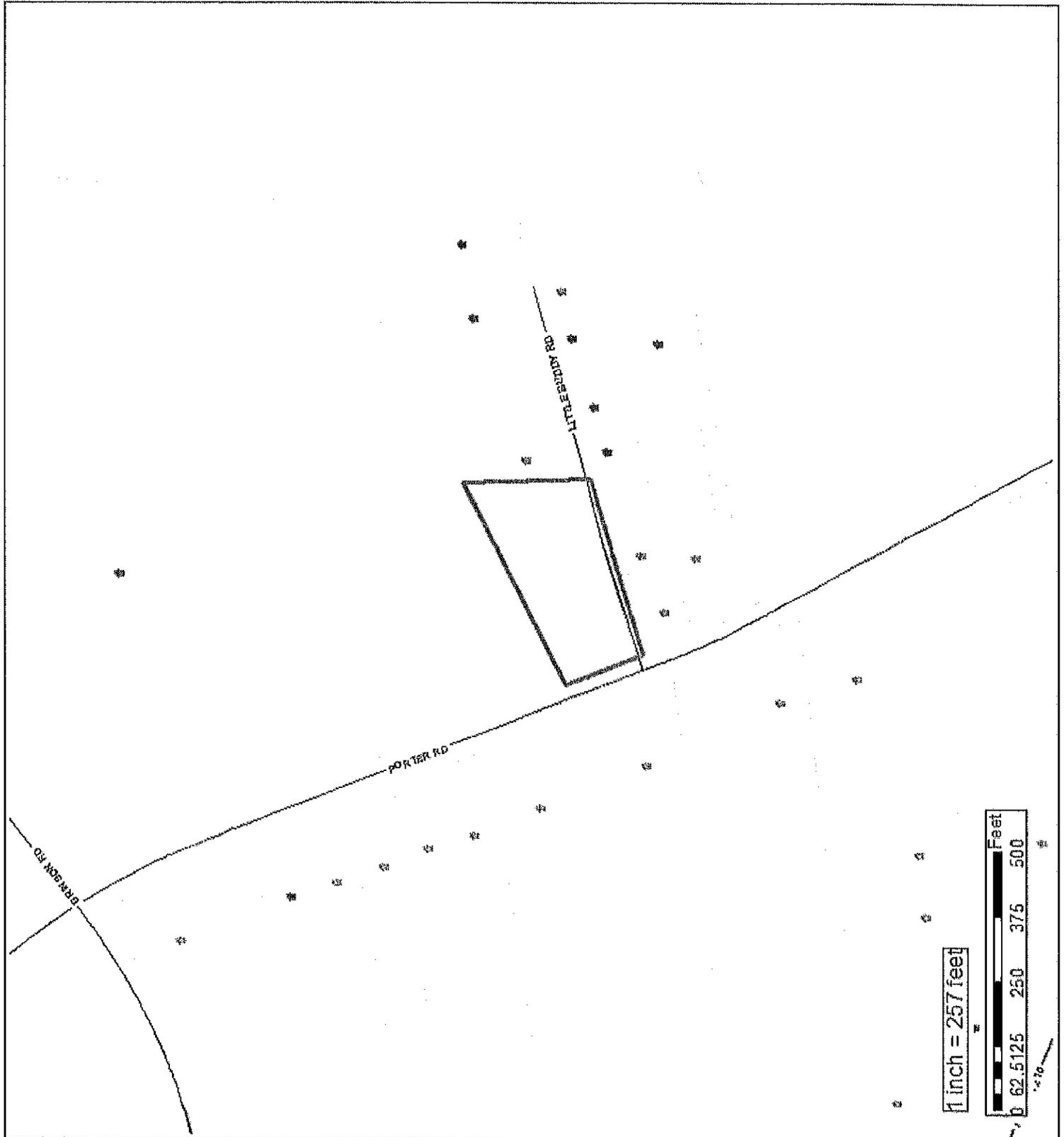
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Structure Type

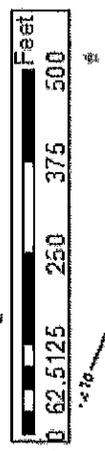
-  Business
-  Church
-  Farm Use
-  House
-  Manufactured Home



Vicinity - 2012



1 inch = 257 feet





Applicant:
Sharon Anita Henry

Owner:
Sharon Anita Henry

Special Use Permit
11174

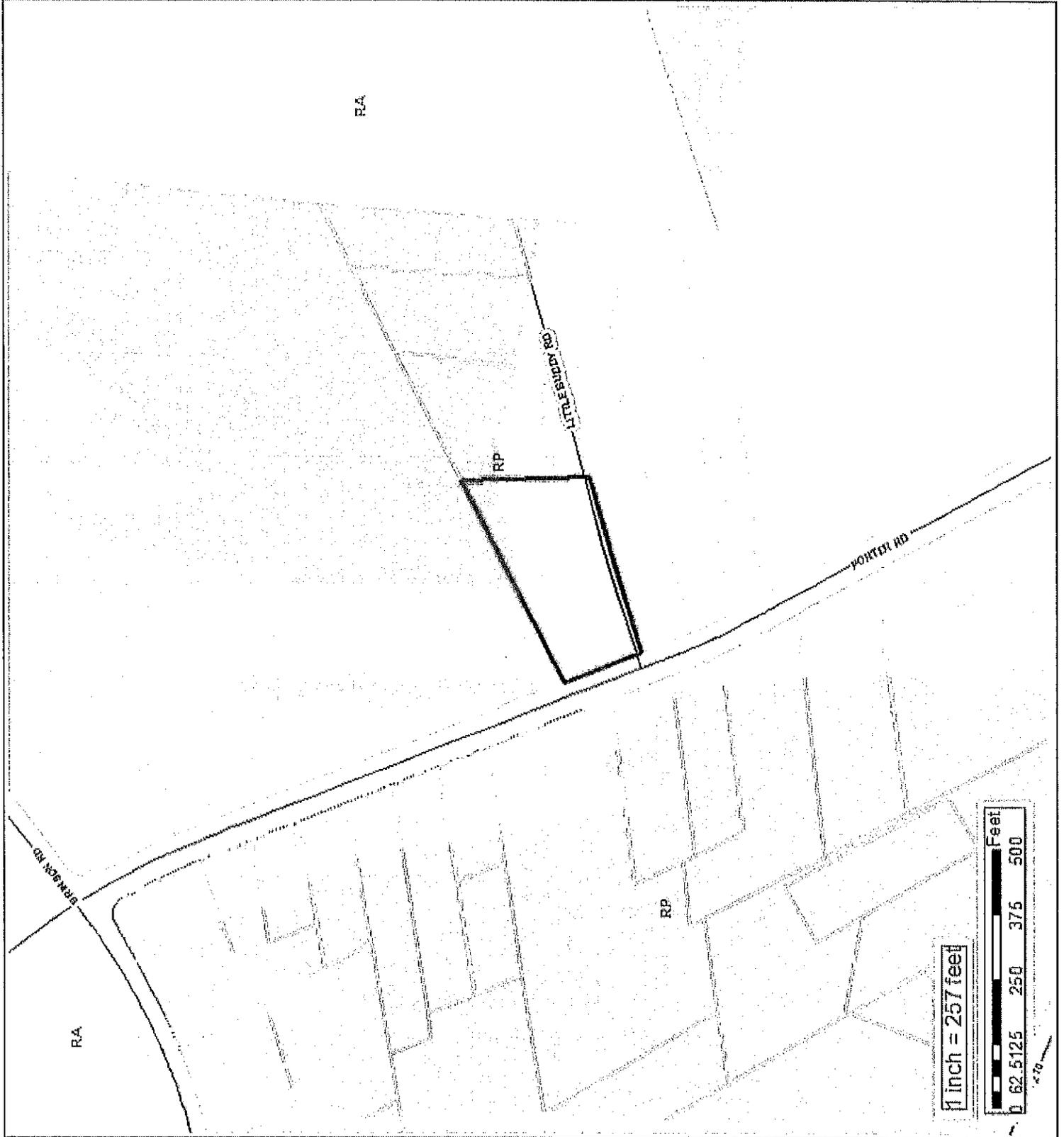
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Pender County Zoning

	EC
	GB
	GI
	INCORP
	IT
	O&I
	PD
	RA
	RP



Zoning - 2012





Applicant:
Sharon Anita Henry

Owner:
Sharon Anita Henry

Special Use Permit
11174

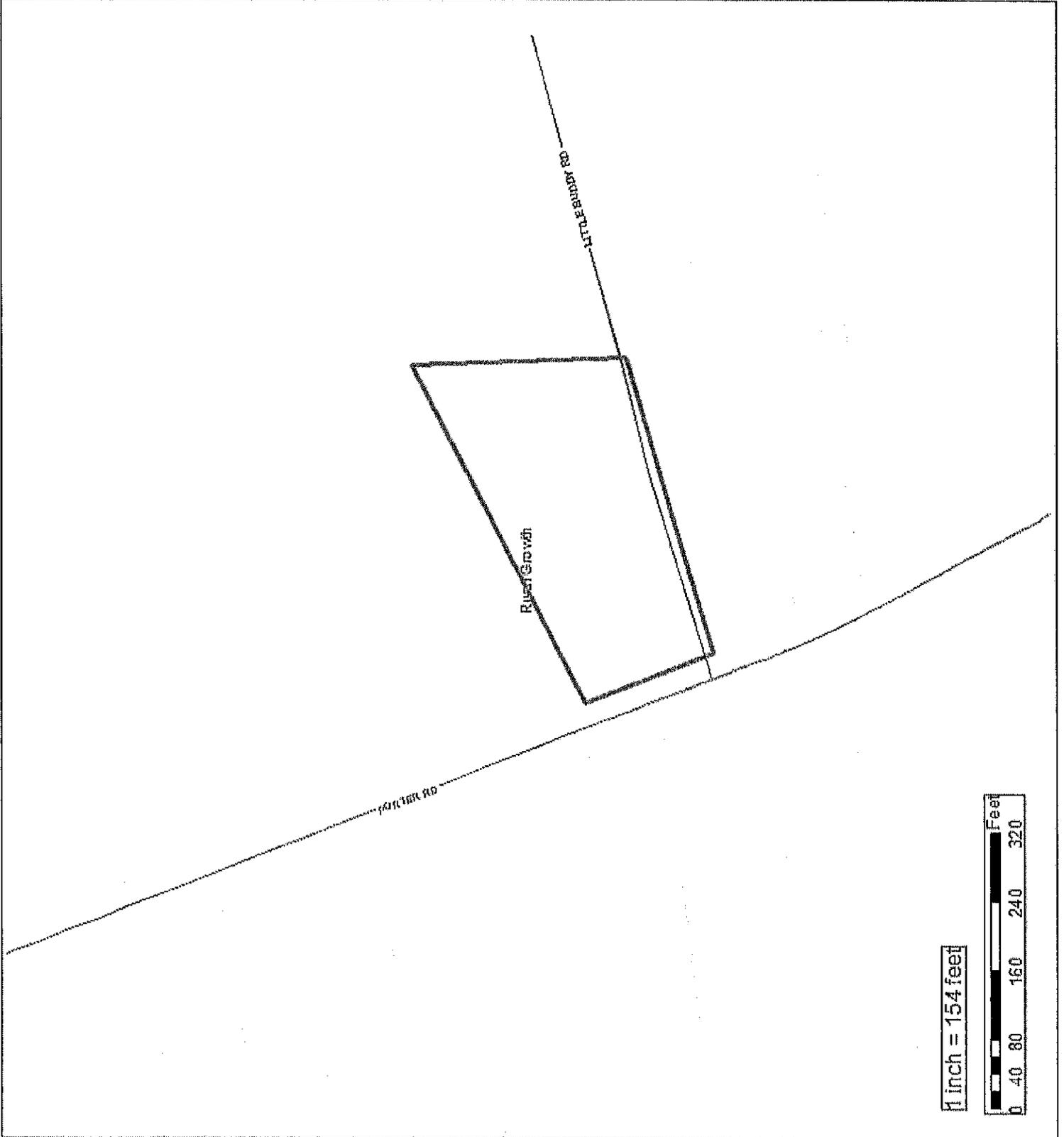
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Future Land Use

-  Conservation
-  Industrial
-  Mixed Use
-  Rural Growth
-  Suburban Growth



Future Land Use





Applicant:
Sharon Anita Henry

Owner:
Sharon Anita Henry

Special Use Permit
11174



Aerial-2012

