

STAFF REPORT

TO: Board of Aldermen

DATE: June 26th, 2018

PROJECT: Conditional Use Permit for Wildflower Learning Daycare Facility at 3100 Damascus Church Road

APPLICANT/OWNER: Wildflower Learning Community, LLC
Contact: Shelley Riselvato
6205-F8 Farrington Road
Chapel Hill, NC 27517

PURPOSE: A request for Conditional Use Permit for child care/child day care facility with livestock use at 3100 Damascus Church Road

EXISTING ZONING: WR (Watershed Residential)

PIN: 9777-35-4538

LOCATION: 3100 Damascus Church Road

TRACT SIZE: 15.99 acres (696,524sf)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Child Day Care Facility (use# 22.2),
Agricultural Use (with livestock and without) (use# 14.110 and 14.120)

SURROUNDING
LAND USES: North: WR, Tony Merritt Gravel Pit
South: WR, Vacant Tract
West: WR, Vacant Tract
East: WR, Single-Family Residence

ZONING HISTORY: Watershed Residential Zoning District since 1980

ANALYSIS

Background

Shelley Riselvato has submitted an application for a Conditional Use Permit (CUP) for a mixture of uses, to include: Child Care (use# 7.2), Child Day Care Facility (use# 22.2), Agricultural with and without livestock (uses# 14.11 & 14.12) for the property located at 3100 Damascus Church Road.

The applicant intends to construct a new 1,750sf building on the property where the proposed daycare uses will reside. In addition, a parking area containing fourteen (14) spaces will be constructed in the front portion of the property.

Being within the Watershed Zoning District, there are impervious surface regulations of four (4) percent on this lot- this equates to 27,861sf. The applicant is presently working to remediate 36,266sf of impervious surface presently on the lot, consisting of a long dirt road on the lot that will be returned to a natural state / pervious surface. Staff and the applicant will further discuss the remediation if needed during the construction plan review for the project. The end result once remediation is complete and new facilities are installed will be 14,367 square feet, well below the threshold of four (4) percent for this lot.

The subject property is a WR (watershed residential) zoning district containing 15.99 acres (696,524sf) and is listed as Orange County Parcel Identification Number 9777-35-4538.

Access, Trip Generation/Traffic Impact

Access

Access to the proposed development will be via Damascus Church Road. The applicant will be required to obtain an approved NCDOT driveway permit for the proposed connection to Damascus Church Road.

Trip Generation/Traffic Impact

The applicant is not providing a Traffic Impact Statement but a review by the district NCDOT office provided the following information related to trip generation:

“Based on the information provided, the proposed development appears to consist of child day care facility with a staff of 14 and an enrollment of 72 children. Using ITE trip generation methodology, the site is expected to generate approximately 323 unadjusted

daily trips with approximately 30 entering and 30 exiting in each of the AM and PM peak periods. The proposed access and adjacent road network would be expected to operate acceptably with no road improvements warranted per NCDOT guidelines. The Applicant should provide additional information regarding proposed operating schedules and maximum anticipated parking demand for staff, visitors, and parent pickup and drop off. It appears that there are only sufficient number of parking spaces provided to accommodate the 14 staff members assuming that all are present simultaneously.”

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to access, trip generation/traffic impact with the following condition:

- That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.

Parking and Bicycle Facilities

Parking

Per section 15-291(g) of the LUO, child daycare facilities require one (1) parking space for each employee plus one (1) space per 250 square feet of floor area used for the day care. The applicant has stated that there will be seven (7) employees and the 1,750 square feet building will require an additional seven (7) parking spaces. The required total number of parking spaces is fourteen (14).

This project will be providing fourteen (14) parking spaces and of these spaces, eight (8) will be standard parking spaces, five (5) will be compact parking spaces and one (1) will be an ADA parking space.

Bicycle Facilities

Section 15-291(h) of the LUO relates to bicycle parking requirements and the proposed uses for this project do not require bike parking.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to parking and bicycle parking.

Tree Protection, Screening, Parking Lot Shading and Tree Canopy

Tree Protection

A total of nine (9) specimen or rare trees will be removed for this project- five (5) of these trees will be removed for the proposed parking area and the remaining four (4) trees will be removed for the septic field.

The applicant has provided a Tree Removal Justification letter (**see attachment D**).

Tree protection fencing has been shown on the site plan sheet of the plans- this tree protection fencing will be verified once the pre-construction meeting has been held in the future.

Screening

Section 15-307 requires a Type B screen along all the property lines- the applicant has stated that this screening requirement will be met by the retention of the existing tree scape along all property lines.

Parking Lot Shading

Section 15-318(b) states that 35 percent of parking lots must be shaded.

Six (6) of the existing shade trees are Eastern Red Cedar, one (1) is a Tulip Poplar and one (1) is a Slippery Elm. In an effort to save these trees, the applicant will plant additional trees in the interior/perimeter of the parking lot. The installation of these trees will meet the 35 percent requirement of the LUO.

Tree Canopy

Section 15-319 requires a minimum tree canopy of thirty (30) percent for the subject property- the applicant will be providing forty-four (44) percent tree canopy for this project. This requirement is being met by the retention of seven (7) forested acres.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to tree protection, screening, parking lot shading and tree canopy requirements.

Grading and Erosion Control

Grading

Minimal grading will take place for this project- in essence, grading will take place for the parking area, proposed new building and the septic field.

Erosion Control

Orange County Erosion Control has reviewed the plans and had the following comments:

1. An incomplete application was submitted for erosion control; the application needs to be signed and notarized.
2. Please clearly denote where silt fencing will be located on the plan as well as the silt fence outlets.
3. Include a concrete washout with a corresponding detail.

CONCLUSION – The project meets all the requirements related to grading. Town staff recommends the following condition related to Erosion Control:

- that prior to Construction Plan approval, that all review comments by Orange County Erosion Control be addressed.

Septic Field and Lighting

Septic Field

A septic field and private well will be serving the proposed use. A preliminary inspection for the location/sizing of septic field has been completed by Orange County Environmental Health.

Utilities

Electricity will be provided by Piedmont Power- the service to the new building will be an underground service from the existing infrastructure. Both telephone and internet service will be provided by Spectrum.

Staff recommends the following condition related to utilities:

- The prior to Construction Plan approval, the applicant provide letters from electric, telephone and cable providers that this project can be served to this project.

Lighting

Section 15-242.5 states that under no circumstance may light pollution exceed .2 foot candles at the property line. Town staff has not received a light pollution plan to verify compliance with the LUO.

With that being stated, town staff recommends the following condition:

- That prior to Construction Plan approval, the applicant provide the necessary light pollution plan sheet in order to verify compliance with the .2 footcandle requirements at the property line per Section 15-242.5 of the LUO.

CONCLUSION – Town staff recommends the following conditions related to utilities and lighting:

- The prior to Construction Plan approval, the applicant provide letters from electric, gas, telephone and cable providers that this project can be served to this development.
- That prior to Construction Plan approval, the applicant provide the necessary light pollution plan sheet in order to verify compliance with the .2 footcandle requirements at the property line per Section 15-242.5 of the LUO.

Miscellaneous

Neighborhood Meeting

The applicant conducted a Neighborhood Information Meeting on May 9th, 2018 and those property owners/renters within 1000ft were notified by mail of this meeting (**see attachment E**).

Solid Waste

The applicant intends to use roll out type waste containers that will be serviced by a private hauler. These containers will be stored in the rear portion of the proposed building and not viewable from Damascus Church Road.

Proposed Building

The applicant intends to construct a new 1,750sf building on the property. This building may be constructed from shipping containers.

Additionally, there will be other outbuildings on the property where livestock and other supplies will be stored.

STAFF RECOMMENDATION:

Town staff recommends that the Board of Aldermen review the application, hold a public hearing, and consider whether to approve the Conditional Use Permit, subject to the following conditions:

1. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
2. Prior to Construction Plan approval, that all review comments by Orange County Erosion Control be addressed.
3. The prior to Construction Plan approval, the applicant provide letters from electric, gas, telephone and cable providers that this project can be served to this development.
4. That prior to Construction Plan approval, the applicant provide the necessary light pollution plan sheet in order to verify compliance with the .2 footcandle requirements at the property line per Section 15-242.5 of the LUO.
5. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage

features will be clearly delineated in a data table. The data will be tied to horizontal controls.