

1 **AGENDA ITEM 4: APPROVAL OF MINUTES**

2 A. **APRIL 22, 2014**

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4 **MOTION** made Samantha Cabe to approve minutes as written. Seconded by Mark Micol.

5 **VOTE:** Unanimous

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7 **AGENDA ITEM 5: PUBLIC CHARGE**

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9 The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to
10 conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any
11 time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the
12 offending person to leave the meeting until that individual regains personal control. Should decorum fail to be
13 restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is
14 observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or
15 set to silent/vibrate.
16

17 The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions
18 of local regulations and State law to perform specified functions essential to the County's planning program.
19 Action(s) taken by the board are based solely on competent, substantial, and material evidence presented
20 during a previously scheduled and advertised public hearing on a specific item. As detailed within Section
21 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed:
22 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues
23 before the Board of Adjustment. While it should be noted there is no time limit on the presentation of
24 evidence, the Chair asks that the presentation of evidence be consistent with established policies, rules of
25 procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.
26

27 Larry Wright deferred the public charge.

28
29 **AGENDA ITEM 6: A-2-14 – Class B Special Use Permit – Daycare Facility**

30 In accordance with Section(s) 2.7 *Special Uses*, 5.2.2 *Table of Permitted Uses*, 5.3.2
31 *Application of Use Standards – Special Uses*, and 5.8.2 *Child Care Facilities* of the UDO,
32 Chestnut Ridge United Methodist Church has submitted a proposal to develop/operate a child
33 care facility out of the existing church building located at 3505 Chestnut Ridge Church Road,
34 further identified utilizing Orange County parcel Identification Number (PIN) 9843-42-4100.

35 The property in question is 13 acres in area, including the cemetery across Chestnut Ridge
36 Church Road, and is zoned Agricultural Residential (AR) and Upper Eno Protected Watershed
37 Protection Overlay District. The proposed use is permitted on the property subject to the
38 issuance of a Class B Special Use Permit.

39 As detailed within the application, the applicant wishes to operate a half day (4 hour) pre-school
40 program for 12 students between the ages of 3 to 5 Monday through Friday from the months of
41 September through May of each year.

42 Programing for the students will be based within the fellowship hall of the existing church
43 building with outdoor activities being provided within the existing church playground located
44 towards the west of the existing facility.

45 Access to the proposed facility shall be through an existing driveway with direct access to
46 Chestnut Ridge Church Road.
47

1 Secretary Debra Graham swore in the following individuals:

2 Nick Jeffries
3 Chuck Collins
4 Jean Cecil
5

6 Michael Harvey: Reviewed Abstract. On page 75 (j) states that "Each child care facility
7 approved by the Board of Adjustment shall be reviewed annually by the Planning Director to
8 ensure compliance..." we will recommend that in the near future that be eliminated.
9

10 Nick Jeffries: My name is Nick Jeffries and I have been sworn in. Chestnut Ridge is seeking to
11 have a small preschool. There will be 12 students, two teachers, four hours a day, five days a
12 week. We are seeking approval so we can make the renovations required by Orange County.
13

14 Karen Barrows: What renovations were recommended?
15

16 Nick Jeffries: There are some minor things. For instance, they asked us to have a larger septic
17 tank put in which would be a condition of approval. We need a hand rail going up the front side
18 walk. The handicapped parking spots have signs on the ground but they need posts. Also, the
19 fence around the playground and the other main thing is we have to have an approved fire
20 safety, an alarm system that is approved by Jason Shepherd and that is a condition of approval
21 as well.
22

23 Michael Harvey: Reviewed the Findings of Fact beginning on page 118.
24

25 Larry Wright: Since the children will be using the sanctuary, if they want to increase the size of
26 the sanctuary, is that impacted?
27

28 Michael Harvey: No. The number of children will not be increased because they are increasing
29 the size of the sanctuary.
30

31 Karen Barrows: There is a note from Albert Mills saying they need construction authorization
32 and states he has not had that yet. Am I missing it?
33

34 Michael Harvey: I didn't put it on here. I will ask the board to amend my recommended
35 conditions to include Number 11 that all applicable environmental health permits will be applied
36 for and obtained.
37

38 Chuck Collins: I am the finance chair of the church and I have been sworn in. When you noted
39 the increase of the children, are you saying that if the daycare is successful and we go from 12
40 children to 20 children, we have to go back through this process again?
41

42 Michael Harvey: Yes.
43

44 Chuck Collins: Every time there is an increase? Or should be say we are attempting to get 50
45 children or should we set a number of children we would eventually like to get to.
46

47 Michael Harvey: My advice would be that as you get successful and look at potential for
48 expansion, you coordinate with Orange County Environmental Health, the maximum number of
49 children you can have and seek a permit for that at the appropriate time.
50

1 Samantha Cabe: If the state says under a certain number of children, they don't have to comply
2 with A, B and C, they still have to come to us even if they are under that magic number from the
3 state.

4
5 Michael Harvey: Our permit is tied to a specific number and obviously to a specific number
6 regulated by the health department.

7
8 Larry Wright: I would like to go back to this gentleman's issue so the environmental health
9 board will assess the number of students that this facility will handle at this time?

10
11 Michael Harvey: The environmental health department has determined that what has been
12 proposed, on page 104 of your packet, a 110 seat church with a 12 student preschool and two
13 staff for less than four hours can be supported based on an application to do modifications to
14 the septic system so you are hearing me say this application from a planning standpoint is
15 legitimate as long as the health department condition is adhered to. If the applicant wishes to
16 have more students, their first stop is to Orange County Environmental Health to ascertain what
17 the septic system could support and they would need to make a decision about what to do with
18 the system.

19
20 Joan Cecil: I am a resident/owner that borders the church property also. I am the trustee chair
21 for the Chestnut Ridge United Methodist Church and I have been sworn in. When I received my
22 letter, I knew we were zoned agricultural/residential, right now. The daycare is 12; I am
23 assuming that will not change. My question is that if the daycare does get larger will that
24 agricultural/residential change?

25
26 Michael Harvey: No. The zoning of the property does not have to change for the church to
27 have additional capacity for the childcare facility.

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3 **FINDINGS OF THE ORANGE COUNTY BOARD OF ADJUSTMENT**
4 **PERTAINING TO A REQUEST SUBMITTED BY**
5 **CHESTNUT RIDGE UNITED METHODIST CHURCH**
6 **PROPOSING DEVELOPMENT OF A CHILDCARE FACILITY AT**
7 **3505 CHESTNUT RIDGE CHURCH ROAD (PIN 9843-42-4100)**
8

9 **As required under Section 5.2 *Table of Permitted Uses* of the Orange County Unified**
10 **Development Ordinance (UDO), a Class B Special Use Permit is required for the**
11 **development/operation of a childcare facility, in accordance with the provisions of Section 2.7 of**
12 **the UDO. Such permits shall comply with general and specific standards as set forth in**
13 **Section(s) 5.3.2 and 5.8.2 of the UDO.**
14

15 **Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:**
16

- 17 (1) The use will maintain or promote the public health, safety and general welfare, if located
18 where proposed and developed and operated according to the plan as submitted;
19
20 (2) The use will maintain or enhance the value of contiguous property (unless the use is a
21 public necessity, in which case the use need not maintain or enhance the value of
22 contiguous property); and
23
24 (3) The location and character of the use, if developed according to the plan submitted, will
25 be in harmony with the area in which it is to be located and the use is in compliance with
26 the plan for the physical development of the County as embodied in these regulations or
27 in the Comprehensive Plan, or portion thereof, adopted by the Board of County
28 Commissioners;
29

30 **In addition, the Board shall make findings certifying that the application is compliant with the**
31 **following specific standards:**
32

- 33 (1) Specific standards for the submission of Special Use Permit applications as outlined
34 within Section(s) 2.2 and 2.7 of the UDO,
35 (2) Specific regulations governing the development of a childcare facility as set forth in
36 Section 5.8.2 of the UDO,
37 (3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
38 a. Sewage disposal facilities,
39 b. The adequacy of police, fire, and rescue squad protection, and
40 c. The adequacy of vehicular access to the site and traffic conditions around the site
41 (4) The general findings outlined within Section 5.3.2 (A) (2).
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43 Listed below are the findings of the Orange Planning staff regarding the application in question. The
44 findings have been presented by Article and requirement to assist the Board of Adjustment in its
45 deliberations.
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SECTION 2.2 AND 2.7.3 CLASS B SPECIAL USE PERMIT APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Section 2.2 The application for a Class B Special Use Permit shall be on forms provided by the Planning Department.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 2 of the abstract package contains a completed Orange County Class B Special Use Permit application for the project.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.2.4 (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Staff will stipulate the applicant submitted the required application fee for the permit application.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.7.3 (B) (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 2 of the abstract package contains a completed project narrative describing the proposed use and operational characteristics of the proposed childcare facility.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.7.3 (B) (2) The names and addresses of the owners of the property	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 2 of the abstract package contains information concerning the names and addresses of the owner of the property.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>X</u> Yes	___ No		<u>x</u> Yes	___ No
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use	<u>X</u> Yes	___ No	Attachment 2 of the abstract package contains various documents, including a site plan, containing the necessary information establishing compliance with the provisions of the Ordinance.	<u>x</u> Yes	___ No
2.7.3 (B) (4) Ten (10) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.	<u>X</u> Yes	___ No	Attachment 2 of the abstract package contains the required site plan completed by Alois Callemyn, a local land surveyor.	<u>x</u> Yes	___ No
2.7.3 (B) (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.	<u>X</u> Applicable	Not	The project does not involve or propose a subdivision. As a result no preliminary plat is required.	<u>x</u> Applicable	Not
2.7.3 (B) (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.	<u>X</u> Yes	___ No	Attachments 2 and 4 of the abstract package contains a complete list of property owners as maintained by Orange County Land Records.	<u>x</u> Yes	___ No
2.7.3 (B) (7) Elevations of all structures proposed to be used in the development.	<u>X</u> Yes	___ No	Attachment 2 of the abstract package contains the required elevations, specifically photos of the existing structure(s).	<u>x</u> Yes	___ No

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1 **SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates**
 2 **non-compliance)**

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
2.7.3 (B) (8) Ten (10) copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	<u> X </u> Not Applicable		Per Section 6.16.3 <i>Environmental Assessment</i> of the UDO the project will not involve the grading of more than 40,000 sq. ft. of property (exclusive of roads), involve more than 10,000 gallons per day of water usage.	<u> x </u> Not Applicable	
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	<u> X </u> Yes	<u> </u> No	Attachment 2 of the abstract, as well as the submitted site plan, contains sufficient detail denoting construction or land clearing debris generated on-site will be disposed of in accordance with the County's Solid Waste Management Ordinance.	<u> x </u> Yes	<u> </u> No
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	<u> X </u> Yes	<u> </u> No	Attachment 2 of the abstract package contains the required information.	<u> x </u> Yes	<u> </u> No
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	<u> X </u> Not Applicable		The applicant is not requesting vesting of the project.	<u> x </u> Not Applicable	

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 4 **MOTION** made by Samantha Cabe that the Board adopt Planning Staff's recommendation for
 5 the items listed on pages 119 -121. Seconded by Mark Micol.

6 **VOTE:** Unanimous
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SECTION 2.7.5 CLASS A SPECIAL NOTIFICATION REQUIREMENTS ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section 2.7.5 (a) The Planning Director shall give public notice of the date, time and place of the public hearing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 4 of the abstract package as produced by staff provides the necessary detail outlining compliance with this requirement.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.7.5 (b) Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The legal ad for the August 11, 2014 BOA public hearing was published in the News of Orange and The Herald Sun consistent with the requirements of the UDO.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.7.5 (c) The Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 4 of the abstract package as produced by staff provides the necessary detail outlining compliance with this requirement.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2.7.5 (d) Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Attachment 4 of the abstract package as produced by staff provides the necessary detail outlining compliance with this requirement.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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1 **SECTION 5.8.2 – STANDARDS FOR CHILDCARE FACILITIES**
 2 ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5.8.2 Childcare Facilities (B) Standards for Class B Special Use Permits: (1) Submittal Requirements: In addition to the information required by Section 2.7, the following shall be submitted as part of the application: (a) Evidence that the minimum requirements to qualify for a State of North Carolina child care facility license have been satisfied.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This will be a condition of approval. The applicant may not have to comply with State licensing requirements given the hours of operation of the facility (i.e. not more than 4 hours of care offered). Unfortunately the State is requiring proof of permit before they review the proposal. This has been an issue in the past, which is why staff always recommends this become a condition of approval to allow the applicant the ability to move forward with an application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) A floor plan of the proposed child care facility, showing the use and dimensions of each room and the location of entrances and exits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attachment 2 contains the required floor plan and pictures of the facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Standards of Evaluation					

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<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>X</u> Yes	___ No		<u>x</u> Yes	___ No
(a) The child care facility is to be located in an area which is free from conditions dangerous to the physical and moral welfare of the children.	<u>X</u> Yes	___ No	<p>Staff has found no evidence indicating the facility is located in an area that is: 'dangerous to the physical and moral welfare of the children'.</p> <p>Attachment 2 contains a site plan demonstrating the playground area is approximately 300 feet from Chestnut Ridge Church Road and 190 feet from Camp Chestnut Ridge Road.</p> <p>While there is a cemetery across the street from the church, staff does not believe this would represent a danger to the moral welfare of the children who will be cared for within the proposed childcare facility.</p>	<u>x</u> Yes	___ No
(b) The minimum requirements to qualify for a State of North Carolina child care facility license are satisfied.	<u>X</u> Yes	___ No	This will become a condition of approval. The State wants proof of local zoning compliance prior to issuing a license or opinion on the need for a license for the facility.	<u>x</u> Yes	___ No
(c) There is direct frontage and access on a public State-maintained road.	<u>X</u> Yes	___ No	Attachment 2 contains a site plan demonstrating the property has direct frontage on a public State maintained road.	<u>x</u> Yes	___ No

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(d) Adequate access to and from the site as well as adequate space off the road right of way, is provided for the safe pick up and discharge of children and is provided in such a manner that traffic generated by the child care facility is not disruptive to adjacent residentially developed properties.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Attachment 2</u> contains a site plan demonstrating the property has adequate space off the road to provide a safe area for the pick-up and drop-off of children.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(e) All child pick up and drop offs shall be on site, with proper vehicle stacking area equivalent to three cars.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Attachment 2</u> contains a site plan demonstrating compliance.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(f) The site plan shall show how the facilities will be screened from adjacent properties. A Type-B, 30-foot buffer shall be provided around child care building and play area in accordance with Section 6.8.6. These buffers will effectively screen the view of any outdoor play area, and reduce noise associated with the child care.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Attachment 2</u> contains a site plan demonstrating compliance. The applicant has requested the opportunity to work with staff, upon the issuance of the permit, to complete a formal landscape/screening plan for the playground area. Staff has agreed and recommends this become a condition of approval.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>X</u> Yes	___ No		<u>x</u> Yes	___ No
(g) Each child care is required to provide at least 75 square feet of outdoor play space for every child in care. This space may not be located in a required buffer or in an area, which is used or reserved for use as a sewage disposal nitrification field.	<u>X</u> Yes	___ No	<p>Attachment 2 contains a site plan demonstrating compliance.</p> <p>There is approximately 1,200 sq. ft. of playground area already located on the property.</p> <p>Attachment 3 contains a copy of the Health Permit demonstrating the playground area is not located in an area reserved for use as a sewage disposal area.</p>	<u>x</u> Yes	___ No
(h) Fencing and/or screening is to be provided which ensures the protection of the children receiving child care and protects adjacent residentially developed properties from trespass.	<u>X</u> Yes	___ No	The applicant has requested the opportunity to work with staff, upon the issuance of the permit, to complete a formal landscape/screening plan for the playground area. Staff has agreed and recommends this become a condition of approval.	<u>x</u> Yes	___ No
(i) All gates shall be self-closing and self-latching.	<u>X</u> Yes	___ No	<p>Attachment 2 contains a site plan demonstrating compliance.</p> <p>There is a note on the site plan indicating any gate developed in connection with the childcare facility shall be self-closing and self-latching.</p>	<u>x</u> Yes	___ No

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
<p>(j) Each child care facility approved by the Board of Adjustment shall be reviewed annually by the Planning Director to ensure compliance with the standards of evaluation for such facilities and any conditions attached to the application by the Board of Adjustment. Any change in the operation of the facility, which deviates from the original standards and conditions will constitute a modification and will require the approval of the Board of Adjustment. In determining whether a change in the operation of the facility has occurred, the Planning Director shall be guided by the procedures and criteria contained in Sections 2.7.1 and 5.8.2(B)(2).</p>	<p><input checked="" type="checkbox"/> Yes</p>	<p><input type="checkbox"/> No</p>	<p>Attachment 2 contains a site plan demonstrating compliance.</p> <p>There is a note on the site plan where the applicant acknowledges the condition.</p>	<p><input checked="" type="checkbox"/> Yes</p>	<p><input type="checkbox"/> No</p>

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- 2 **MOTION** made by Karen Barrows to accept the Ordinance Requirements on page 122
- 3 beginning with (a) to page 127 ending with (j). Seconded by Mark Micol.
- 4 **VOTE:** Unanimous
- 5

1 **SECTION 5.3.2 (B) – SPECIFIC STANDARDS – SPECIAL USE PERMITS ("Yes" indicates**
 2 **compliance; "No" indicates non-compliance)**

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>X</u> Yes	___ No		<u>x</u> Yes	___ No
<p>Section 5.3.2 (B) (1)</p> <p>Method and adequacy of provision for sewage disposal facilities, solid waste and water service.</p>	<u>X</u> Yes	___ No	<p>Attachment 3 of the staff prepared abstract contains memorandum/emails from Orange County Environmental Health outlining the various septic issues for the project.</p> <p>There is also an e-mail from Jeff Scouten, Orange County Solid Waste, indicating his approval of the project.</p> <p>Mr. Scouten has recommended the imposition of various conditions, which staff has agreed to incorporate herein.</p>	<u>x</u> Yes	___ No
<p>Section 5.3.2 (B) (2)</p> <p>Method and adequacy of police, fire and rescue squad protection.</p>	<u>X</u> Yes	___ No	<p>Fire protection will be provided by the Efland Volunteer Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department.</p> <p>Attachment 3 of the abstract package contains an e-mail from David Sykes of Orange County Emergency Management concerning approval of the project.</p> <p>Orange County Sheriff's office has also indicated they can support the project.</p>	<u>x</u> Yes	___ No

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1 **SECTION 5.3.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)**

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>X</u> Yes	___ No		<u>x</u> Yes	___ No
Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	<u>X</u> Yes	___ No	The submitted site plan shows the required access points. The property already has a valid NC DOT driveway permit.	<u>x</u> Yes	___ No

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3 **MOTION** made by Mark Micol to adopt staff findings on page 128 – 129, 5.3.2 (B) (1) through
4 5.3.2 (B) (3). Seconded by Karen Barrows.

5 **VOTE:** Unanimous
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1 **SECTION 5.3.2 (A) Special Uses – General Standards ("Yes" indicates compliance; "No" indicates**
 2 **non-compliance)**

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
<p>In accordance with Section 5.3.2 (A) (2), the Board of Adjustment shall also consider the following general conditions before the application for a Special Use can be approved:</p>	<p>NOTE: Planning Staff does not provide a recommendation on these items as the Board is expected to act based on the sworn testimony provided at the hearing.</p>				
<p>Section 5.3.2 (A) (2) (a)</p> <p>The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.</p>	<p><input type="checkbox"/> Will</p>	<p><input type="checkbox"/> Will Not</p>	<p>Staff will remind the Board there is the following information available, as submitted by the applicant, related to addressing this requirement:</p> <ul style="list-style-type: none"> • The application package and project narrative contained within Attachment 2 of the abstract. • Attachment 2 of the abstract contains an impact analysis, completed by Scott Dorset, indicating the project will not impact the value of adjacent property. • The submitted site plan denoting the projects compliance with the UDO. • Attachment 3 of the abstract contains approvals from County EMS and Sheriff's office. • Staff testimony from the public hearing. 	<p><input checked="" type="checkbox"/> Will</p>	<p><input type="checkbox"/> Will Not</p>

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1 **MOTION** made by Samantha Cabe to find that the use will maintain or promote the public
 2 health, safety and general welfare if located where proposed and developed and operated
 3 according to the plan as submitted so long as the 11 items that are enumerated by staff as
 4 conditions of the issuance of this permit are completed. Karen Barrows seconded.

5 **VOTE:** Unanimous

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SECTION 5.3.2 (A) Special Uses – General Standards ("Yes" indicates compliance; "No" indicates non-compliance)

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	<u>__</u> Will	<u>_</u> Will Not		<u>_x_</u> Will	<u>_</u> Will Not
Section 5.3.2 (A) (2) (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	<u>__</u> Will	<u>_</u> Will Not	Staff will remind the Board there is the following information available, as submitted by the applicant, related to addressing this requirement: <ul style="list-style-type: none"> • The application package and project narrative contained within Attachment 2 of the abstract. • Attachment 2 of the abstract contains an impact analysis, completed by Scott Dorset, indicating the project will not impact the value of adjacent property. 	<u>_x_</u> Will	<u>_</u> Will Not

12
 13 **MOTION** made by Mark Micol that the use will maintain or enhance the value of contiguous
 14 property based on the letter on page 98 from Scott Dorsett, professional real estate appraiser,
 15 where he states that a preschool will have no adverse effect on any surrounding properties.
 16 Seconded by Samantha Cabe.

17 **VOTE:** Unanimous

18

<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOA FINDINGS	
	___ Is	___ Is Not		<u>x</u> Is	___ Is Not
<p>Section 5.3.2 (A) (2) (c)</p> <p>The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.</p>			<p>Staff will remind the Board there is the following information available, as submitted by the applicant, related to addressing this requirement:</p> <ul style="list-style-type: none"> • The application package and project narrative contained within Attachment 2 of the abstract. • Attachment 2 of the abstract contains an impact analysis, completed by Scott Dorset, indicating the project will not impact the value of adjacent property. • The submitted site plan denoting the projects compliance with the UDO. • Staff testimony from the public hearing. 		

1
2 **MOTION** made by Karen Barrows that the location and character of the use if developed
3 according to the plan submitted will be in harmony with the area which is to be located and the
4 use is in compliance with the plan for the physical development of the county as embodied in
5 these regulations. Seconded by Samantha Cabe.

6 **VOTE:** Unanimous

7

RECOMMENDATION:

Staff has not received any information that would establish grounds for making a negative finding on the general standards as detailed above. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, the use being in harmony with the area in which it is to be located, and the use being in compliance with the general plan for the physical development of the County.

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO

Provided the Board of Adjustment finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Board makes a recommendation to issue the permit, staff recommends the attachment of the following conditions:

- 1 1. The granting of the Special Use Permit shall not prohibit or in any way prevent the
2 property from being utilized to support operations/activities associated with the operation
3 of the church. The permit, and conditions herein, shall only impact the operational
4 characteristics of the childcare facility. Expansion of church operations, independent of
5 the childcare facility, shall not be construed as creating a 'modification' of this permit, as
6 defied within Section 2.7.14 of the UDO, requiring the submittal of a new application for
7 review by the Board.
- 8 2. The applicant shall apply for and receive all required State permits and/or licenses prior
9 to the commencement of operations.
- 10 3. The applicant shall develop a formal landscape/screening plan for the playground area
11 and submit to the Planning Department for action within 60 days from the date of
12 approval of this permit. The applicant further agrees to install all approved
13 landscaping/screening on the property within 180 days from notification by the Planning
14 Department that the aforementioned plan has been approved.
- 15 4. The applicant shall address any outstanding issues associated with obtaining required
16 Building Inspections permits to allow for the operation of the child care facility prior to the
17 commencement of operations.
- 18 5. All existing vegetation along the perimeter of the property shall be preserved it its natural
19 state.
- 20 6. The applicant shall cause an inspection of the facility by the Fire Marshal to ensure
21 compliance with applicable standards prior to the commencement of operations.
- 22 7. The applicant shall complete a Solid Waste Management Plan document and return said
23 application to Orange County Solid Waste for review/approved within 180 days of permit
24 issuance.
- 25 8. The applicant shall prepare a formal solid waste and recycling plan demonstrating how
26 said materials are disposed of for review and approval by Orange County Solid Waste.
27 This plan shall be submitted to the Department within 180 days of permit issuance.
- 28 9. The Special Use Permit will automatically expire within 12 months from the date of
29 approval if the use has not commenced or construction has not commenced or
30 proceeded unless a timely application for extension of this time limit is approved by the
31 Board of Adjustment.

1 **10.** If any condition of this Special Use Permit shall be held invalid or void, then this Special
2 Use Permit shall be void in its entirety and of no effect.

3
4
5 Samantha Cabe: Add condition #11: *“All applicable environmental health permits shall be*
6 *obtained”*.

7
8 **MOTION** made by Samantha Cabe that the recommendations listed on pages 133 and 134
9 numbers 1 through 10 and adding number 11 reading “All applicable environmental health
10 permits shall be obtained” be adopted as conditions to the issuance of this special use permit.
11 Seconded by Mark Micol.

12 **VOTE:** Unanimous
13

1 **AGENDA ITEM 7: A-3-14 – Class B Special Use Permit – Utilities: Gas Transmission Lines**
 2 In accordance with Section(s) 2.7 *Special Uses*, 5.2.2 *Table of Permitted Uses*, 5.3.2
 3 *Application of Use Standards – Special Uses*, and 5.9.5 *Electric, Gas, and Liquid Transmission*
 4 *Lines* of the UDO, PSNC has submitted a proposal to install a new gas transmission line on
 5 several properties within Orange County. The project will involve the establishment of a new
 6 easement, and installation of new gas line, on the following properties identified utilizing an
 7 Orange County Parcel Identification (PIN) Numbers:

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9831951537	Heather E. Main	No street address assigned. Property is approximately 2,026 feet south of the intersection of Bradshaw Quarry and Buckhorn Roads.
PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9831951104	L.K. Tommy Thompson	No street address assigned. Property is approximately 2,237 feet south of the intersection of Bradshaw Quarry and Buckhorn Roads. Property is approximately 211 feet south of Heather Main Property as listed herein.
9841042197	Jewell L. Crawford (Living Trust)	No street address assigned. Property is approximately 3,571 feet south of the intersection of Bradshaw Quarry and Buckhorn Roads. Property is approximately 1,244 feet south of LK Tommy Thompson Property as listed herein.
9841255060	Frances S. Cates (John Cates, son)	6611 Orange Grove Road
9841333860	J. Felton & Billie Johnson	6505 Orange Grove Road
9841640018	William R. Kirk, Kenneth C. Kirk (Trustee)	6108 Orange Grove Road
9841402406	James M. Snipes	5400 Dairyland Road
9841517360	James M. Snipes & Charles W. Snipes	5107 Dairyland Road
9841701394	James Snipes (Heirs)	4901 Dairyland Road
9841828007	Betty Hamme Fudge	No street address assigned. Property is approximately 154 acres in area and is located approximately 2,020 feet east of the intersection of Dairyland and Dodsons Cross Roads.

8

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9841901177	Joseph A. & Evelyn Cima	No street address assigned. Property is approximately 70 acres in area and is located approximately 1,800 feet east of the intersection of Dairyland and Dodsons Cross Roads. The property is adjacent to the Fudge property as listed herein.
9851113135	K.A. Caeral (NC) LLC	No street address assigned. Property is approximately 104 acres in area and is located approximately 1,650 feet north of the intersection of Dairyland and Dodsons Crossroads. The property is adjacent to the Cima property as listed herein.
9851002293	Peggy M. Ritch (et al) & Debrorah D. Williams	7213 Dodson Knoll Road
9850198635	Sandra T. & Michael Carwile	7005 Dodsons Crossroads
9850291124	Matthew & Keri Carwile	7040 Dodsons Crossroads
9851303363	Patsy S. Moore	6820 Dodsons Crossroads
9850295232	Roger V. & Judy M. Atkins	7100 Farmington Lane
9850297016	James E. Spainhour & Patricia Ann Oliver	7106 Farmington Lane
9850395287	William L. Noland & Catalina A. Arocena	3711 Dairyland Road
9850399032	Amy Waddell Cannon	3700 Dairyland Road
9850693598	Nutter Farms LLC	3000/3100 Dairyland Road
9850681310	Nutter Farms LLC	No street address assigned. Property is approximately 10 acres in area and is adjacent to the Nutter Farms property (PIN 9850-68-1310) as referenced herein.

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9850678850	Propiedad Carino LLC	No street address assigned. Property is approximately 39 acres in area and is adjacent to the Nutter Farms property (PIN 9850-68-1310) as referenced herein.
9850779856	William V. Burlingame	2793 Pickard Mill Lane
9850965741	Hazel Stanfield Cheek	2338 Dairyland Road
9850879421	Michael Cheek	2332 Dairyland Road
9860156516	Glynmorgan Homeowners Association Inc.	No street address assigned. Property is approximately 29 acres in area. It is the open space area associated within the Glynmorgan Subdivision off of Union Grove Church Road.
9860059751	Louis J. Garcia & Susan P. Landis	7801 Still Crossing Road
9860152630	P. Bowman Root III & Mary K. Root	7716 Still Crossing Road
9860156343	Joel E. & Christy L. Shaffer	8321 Glynmorgan Way
9860159246	Lisa D. Beavers & Gerald J. Gurevich	8223 Glynmorgan Way
9860253287	Evelyn Neville	7717 Union Grove Church Road
9860249707	Tupelo Ridge II Homeowners Association Inc.	No street address assigned. Property is approximately 9 acres in area. It is the open space area associated within the Tupelo Ridge Subdivision off of Union Grove Church Road.
9860257235	Fred Dixon Jr.	7607 Union Grove Church Road
9860350106	Markus & Alys Lesemann	1002 Maple Ridge Road
9860345920	Aaron & Amber Tarter	1008 Maple Ridge Road
9860347800	Sean A. McCarthy (Trustee)	1010 Maple Ridge Road
9860441900	Sean A. McCarthy (Trustee)	1015 Maple Ridge Road

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9860345255	Elizabeth Faye Potter	8020 Union Grove Church Road
9860335761	Todd Kmiec	No street address assigned. Property is approximately 12 acres in area, with street frontage along Union Grove Church Road, and is south east of property with PIN 9860-34-7800 and directly south of a parcel of property with a street address of 7805 Talbryn Way (PIN 9860-45-3947) as identified herein.
9860453947	John V. & Nicole D. Donovan	7805 Talbryn Way
9860429969	Bolin Creek Stewardship Limited Partnership	611 Bolin Brook Farm Road
9860640144	Edward Wharton Witkin & Ellen Watkins Shrader	420 Britton Drive
9860643077	Adele D. Ellis-Nielsen & Mark S. Nielsen (H & W) and Doris G. Kaneklides	400 Britton Drive
9860647013	David E. & Angela H. Annas	304 Britton Drive
9860741085	Yuping Seywald (Trustee)	212 Britton Drive
9860735651	James T. Bryan III & Wendy D. Bryan	8033 Old NC Highway 86
9860735232	Mary E. Ayers & John R. Tuton	
9822223759	H. Edwin & Terry D. Scott	No street address assigned. Property is approximately 1.9 acres in area and west of the intersection of Mebane Oaks Road and Randor Farm Road.
9822224531	H. Edwin & Terry D. Scott	No street address assigned. Property is approximately 2.9 acres in area and is 188 feet south west of the intersection of Mebane Oaks Road and Randor Farm Road.

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9822228555	Susie H. Thompson	No street address assigned. Property is approximately 2.9 acres in area and is located at the intersection of Mebane Oaks Road and Randor Farm Road.
9822227293	Thomas Tyree & Dana L. Averette	3818 Mebane Oaks Rd.
9822324212	Ray F. Ellis Jr. & Lydia M. Ellis	3904 Hidden View Rd.
9822414811	Enid R. Kafer	3722 Mebane Oaks Rd.
9822510921	Joseph L. Jr. & Mary L. Zaragoza	No street address assigned. Property is approximately 79 acres in area and is located at the intersection of Mebane Oaks Road and Randor Farm Road. Randor Farm Road runs through the property.
9822701854	Joseph L. Jr. & Mary L. Zaragoza	No street address assigned. Property is approximately 105 acres in area and is directly east of the Zaragoza property (PIN 9822-51-0921). The property also has frontage along Nicks Road.
9822406950	Billie Thon-Lanigan	1000 Radnor Farm Rd
9822803542	Matthew O. & Suzanne Case	4914 Nicks Road
9821990403	Charles R. & Sarah H. Raines	5000 Nicks Rd.
9821997273	Jerry W. & Betty Darlene Raines	4914 Nicks Rd.
9822809385	Jerry W. & Betty Darlene Raines	5013 Nicks Rd.
9831092577	Harrison B. Willets	211 Starberry Lane
9831097617	Larry G. Willets & Judith A. Rosenblum	222 Starberry Lane

PARCEL NUMBER	NAME OF PROPERTY OWNER	ADDRESS/LOCATION OF PROPERTY
9831186180	Neil E. & Ruby Joyce Garrett	6315 Oak Grove Church Rd.
9831280225	Jim & Beth Barba	6428 Sykes Glen Trail
9831283016	Carrie A. Fletcher	6420 Sykes Glen Trail
9831275976	Patricia C. Nichols	6408 Sykes Glen Trail
9831372963	Anthony D. & Traci L. Foster	5801 Oak Grove Church Rd.
9831279594	Jill S. Shoneman	5906 Oak Grove Church Road
9831361567	Fred L. Bunker & Ozette H. Bunker (trustees)	5421 Vernon Rd.
9831375808	Bradley Scott Marshall	5707 Oak Grove Church Rd.
9831377610	Janice S. Clayton	5400 Vernon Rd.
9831377890	Sykes Family Limited Partnership	No street address assigned. Property is approximately 22 acres in area and is located approximately 544 feet west from the intersection of Vernon and Oak Grove Church Roads (the property does have direct frontage along either roadway).
9831564044	Sykes Family Limited Partnership	No street address assigned. Property is approximately 187 acres in area and is located approximately 100 feet south from the intersection of Vernon and Oak Grove Church Roads. The property has frontage along Vernon Road.
9831767146	Courtney H. Ebbinghouse & Timothy J. Ives	5502 Bradshaw Quarry Rd.
9831758731	Betty C. & Clarence M. Williams	5600 Bradshaw Quarry Rd.
9831854743	Kenneth A. & Wendy L. Feldmann	5715 Buckhorn Rd.

1
2 The proposed line is being extended from Alamance County along Mebane Oaks Road and
3 extends through the properties listed herein approximately 9.1 miles east to an existing regulator
4 station along Old NC Highway 86.

5
6 The proposal calls for the installation of a 16 inch gas transmission pipeline within existing road
7 rights-of-way as well as on the various properties identified herein.
8 According to the applicant the proposed pipeline is required to meet the growing demand for
9 natural gas within, and outside of, the County. The proposal will also require the development
10 of an above ground valve and tie-in station near the intersection of Nicks Road.
11

1 Agenda Item #7 was deferred by the Board at the applicant's request to continue to Wednesday,
2 August 27, 2014 to reconvene at 7:30 p.m.

3

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5 **AGENDA ITEM 8: ADJOURNMENT**

6

7 **MOTION** made by Samantha Cabe to adjourn. Seconded by Mark Micol.

8 **VOTE:** Unanimous

9

10

11 The meeting was adjourned at approximately 8:30 p.m.