



Chatham County, NC

Legislation Text

File #: 22-4498, **Version:** 2

Vote on a quasi-judicial evidentiary request by Lori Lay Thurber for Special Use Permit to approve Parcel 68864 for an in-home daycare center for up to 15 children at 3721 Old Graham Rd., Center Township.

Action Requested:

Vote on a quasi-judicial evidentiary request by Lori Lay Thurber for Special Use Permit to approve Parcel 68864 for an in-home daycare center for up to 15 children at 3721 Old Graham Rd., Center Township.

Introduction & Background:

A quasi-judicial hearing was held October 17, 2022. Planning staff presented the request, and the applicant Lori Thurber also addressed the Board. No-one else spoke on the matter. The application included the following information:

- The applicant operates an in-home daycare for up to five children and has been in operation for about 2.5 years which did not require approval from the state to operate.
- The property was unzoned until the initial corridor rezonings were approved in 2007 at which time it was zoned R-1 Residential.
- Per the Zoning Ordinance in effect at that time, daycare centers in a principal residence with no more than 15 children were permitted by right.
- In February 2021, an amendment to the Ordinance required this use to obtain a Special Use Permit (SUP) before operating.
- The applicant attended a pre-application meeting with the county's development team August 3, 2021.
- Community meeting was held August 19, 2022, and no adjacent landowners attended.
- Appearance Commission meeting was held August 24, 2022, and some suggested changes were requested and made to the site plan.

The Planning Board met on November 1, 2022, and the item was placed on their consent agenda which was unanimously approved and there was no discussion.

Discussion & Analysis:

In reviewing and considering approval of the SUP, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a Special use permit or revision to a SUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured, and substantial justice done. If the Board should find, after public hearing, the proposed Special Use permit or revision thereof should

not be granted, such proposed permit shall be denied.”

Findings are as follows:

Finding 1 - The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located. The use is supported with an approved SUP in the R-1 zoning district.

Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare. Locally available childcare is still an essential and desirable need for the public convenience and welfare. The applicant is requesting the increase in size to provide care for siblings of the existing children she’s already caring for.

With the anticipated growth coming into Chatham County with Chatham Park, VinFast, FedEx Distribution, etc. the need for more local childcare will rise.

Traffic is generally limited to 5-7 vehicles per day, twice per day, Monday through Friday

Hours are generally 7:30am to 5:00pm. No road improvements are required due to low volume use. Residential appearance of the home will not change and no additional outdoor lighting or signage is proposed. One other full-time employee besides the applicant working at the center and/or two part-time employees are proposed.

Finding 3 - The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community. Because there are no proposed changes to the property, the integrity and character remain intact. The applicant states there are 15 licensed in-home daycares and only 4 are in the Pittsboro area, 27 licensed childcare centers in the county of which 9 are in Pittsboro and only 4 offer infant and toddler care.

This will remain the applicant’s primary residence and will continue to look like a single-family dwelling. No additional access is needed.

Below are photos of the subject property





Finding 4 - The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan. In meeting the intent of the Comprehensive Land Use Plan, the applicant offers the following:

- Chapter 2 - Increased residential development, increased commercial and industrial development brings increased needs to everyday services. Childcare for workers in greatly needed. This use will produce 2-3 job openings.
- Chapter 3 - Preserving rural character by not changing anything about the property as a single-family dwelling, parents need childcare in order to work and with the projected job growth for the County, this is going to tremendously increase. She will provide outdoor time for children with play and exercise which fosters healthy lifestyles for them and their families
- Chapter 4 - Supporting economic development, land use, natural resources and parks and recreation by meeting the following goals:
 - Create in-county jobs and reduce out-commuting
 - Allows others to work so they can contribute to the economy
 - Preservation of the rural character by locating the business within the existing residence
 - Maintaining natural play area and tree buffers as natural and undisturbed as allowed
 - Supplementing areas with native shrubs and trees as recommended by the CCAC
 - Provide recreational and open space for children to play and learn

Finding 5 - Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.

- Applicant has occupied residence for 21 years
- Water is provided by private well
- Wastewater is a private septic. Applicant has hired a flow reduction engineer to reduce water flow to allow for expansion of children and will be eliminating one bedroom to accommodate
- Applicant will also be regulated by the state DHHS department as well as the Chatham County Environmental Health Department on the number of children and workers that can be present on the property at one time.

- If required, application will upgrade certain areas or aspects of the daycare center to comply with state building code, EH codes and fire codes
- No additional impervious surface (BUA) is proposed

How does this relate to the Comprehensive Plan:

- Increased residential development, increased commercial and industrial development brings increased needs to everyday services. Childcare for workers is greatly needed. This use will produce 2-3 job openings.
- Preserving rural character by not changing anything about the property as a single-family dwelling, parents need childcare in order to work and with the projected job growth for the County, this is going to tremendously increase. She will provide outdoor time for children with play and exercise which fosters healthy lifestyles for them and their families

Recommendation:

The Planning Board recommends adoption of a resolution approving a request by Lori Lay Thurber for a Special Use Permit on Parcel 68864 for an in-home daycare center for up to 15 children at 3721 Old Graham Rd., Center Township by unanimous vote on their consent agenda with the following conditions:

Site Specific Conditions

1. Recommendations from the Chatham County Appearance Commission (CCAC) shall be implemented at the next optimal planting season following this approval. The CCAC and/or Planning Department may conduct periodic inspections of the landscaping to ensure it continues to meet the requirements.

Standard Site Conditions

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to

the Planning Department prior to the initiation of the operation/business.

Standard Administrative Conditions:

4. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
5. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional uses listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
7. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.