# Staff Summary of S18-05

## Special Use Permit Application

## Application Summary

**Case Number:** S18-05  
**Request:** Special use permit for a child care center

### Applicant:
- Rhonda S. Williams
- Delores Ann Flowers

### Location:
- 4734 Gordon Road

### Acreage:
- 5 acres

### PID(s):
- R04300-008-008-000

### Comp Plan Place Type:
- Urban Mixed Use

### Existing Land Use:
- Single-Family Dwelling

### Proposed Land Use:
- Child Care Center

### Current Zoning:
- R-15

## Surrounding Area

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Single-Family Residential (Weaver Acres)</td>
<td>R-15</td>
</tr>
<tr>
<td>East: Single-Family Residential</td>
<td>R-15</td>
</tr>
<tr>
<td>South: Undeveloped</td>
<td>R-15</td>
</tr>
<tr>
<td>West: Single-Family Residential</td>
<td>R-15</td>
</tr>
</tbody>
</table>

### Map Image

[Map Image Showing Location and Surrounding Area]

New Hanover County, NC
ZONING HISTORY

July 7, 1972  Zoned R-15 (Area 8B)

COMMUNITY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Sewer</td>
<td>The existing dwelling is served by CFPUA water and a private septic system.</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Murrayville Station</td>
</tr>
<tr>
<td>Schools</td>
<td>Blair Elementary, Eaton Elementary, Trask Middle, and Laney High Schools</td>
</tr>
<tr>
<td>Recreation</td>
<td>Smith Creek Park, Parkwood Recreation Area</td>
</tr>
</tbody>
</table>

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>No known conservation resources</td>
</tr>
<tr>
<td>Historic</td>
<td>No known historic resources</td>
</tr>
<tr>
<td>Archaeological</td>
<td>No known archaeological resources</td>
</tr>
</tbody>
</table>
This application proposes to operate a “child care center” within an existing single-family dwelling. A “family child care home” is currently in operation at the dwelling (Rhonda's Precious GEMS).

The Zoning Ordinance currently classifies child care facilities as two separate uses: child care centers and family child care homes. The primary distinction between the two uses is the number of children allowed to be cared for. A family care home may care for up to eight children (maximum of two preschool-age children) and is typically located within a residence. A child care center may care for more children and is usually located in a more commercially-oriented facility, although they may also locate within a residence provided they do not care for more than 12–15 children, depending on age (per state requirements).

This application would allow for the existing child care operation to expand from caring for a maximum of 8 children to a maximum of 12 children.

The Zoning Ordinance requires the proposed child care center to have a minimum of four parking spaces. Two spaces are required for the single-family dwelling, and two spaces are required for the child care center.

Under the current zoning for the property, R-15, family care homes are permitted by-right, while a child care center requires a SUP.

The North Carolina Department of Health and Human Services (NC DHHS) regulates these facilities and imposes additional standards that address a variety of safety and health related issues. In addition to obtaining the SUP, the applicant must also obtain approval from NC DHHS prior to operating the child care center.

### TRANSPORTATION

- Access is proposed to be provided to the subject property from Gordon Road (SR 2048).

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Center (ITE 565)</td>
<td>1,600 square feet</td>
<td>18</td>
<td>18</td>
</tr>
</tbody>
</table>

- According to NCDOT, trip generation for day centers should be based on the square footage of the center. The above trip generation reflects the approximate total square footage of the existing home, although only a portion is used for the child care operation. No increase in the size of the home is proposed. Staff does not anticipate this request would
have a substantial traffic impact because if the proposed SUP is approved, it would allow only four additional children to be cared for at the center.

Traffic Counts – December 31, 2017

<table>
<thead>
<tr>
<th>Road</th>
<th>Location</th>
<th>Volume</th>
<th>Capacity</th>
<th>V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Road</td>
<td>East of I-40</td>
<td>28,542</td>
<td>14,730</td>
<td>1.94</td>
</tr>
</tbody>
</table>

- Due to the high volume of trips on Gordon Road compared to its capacity, a project to widen the road has been included in the Cape Fear Transportation 2040 plan, but has not been funded at this time.

**Nearby Planned Transportation Improvements and Traffic Impact Analyses**
Nearby Traffic Impact Analyses:
Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses will expire if the proposed development is not completed by the build out date established within the TIA.

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Smith Creek Apartments</td>
<td>• 318 apartment units</td>
<td>• Under Review by the WMPO &amp; NCDOT</td>
</tr>
</tbody>
</table>

A TIA for this development was originally approved in 2014 with a build out date of 2015. Due to adjacent developments being constructed and approved in the surrounding area prior to the construction of this project, the WMPO determined that a new TIA was necessary to reflect the change in conditions.

The previous TIA required the site driveway on Gordon Road to be designed with one ingress and two egress lanes, and with a 150-foot internal protective stem. The TIA also required right-of-way dedication along Gordon Road.

In addition to the above mentioned improvements at the site driveway, the current TIA under review recommends improvements be made at the intersection of Blount Drive and Gordon Road. A future signal is planned for this intersection, and as a result, it is expected that additional trips from the apartment complex will utilize this access. The recommended improvements include installing an eastbound left turn lane on Gordon Road, and a southbound right turn lane on Blount Drive.

Nearby Proposed Developments included within the TIA:
- The Landing at Lewis Creek Estates

Development Status: Site work underway

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Landing at Lewis Creek Estates</td>
<td>• 190 Single Family units • 40 Townhome units • 192 Apartment units</td>
<td>• Approved October 17, 2017 • 2021 Build Out Year</td>
</tr>
</tbody>
</table>

The TIA required improvements be completed at certain intersections in the area. The notable recommendations consisted of:
- Installation of a signal, westbound left-turn lane, and eastbound right-turn on Gordon Road at Blount Drive.
- Extension of the existing northbound right-turn lane on Gordon Road at the I-40 westbound ramp.
- Extension of the existing westbound left-turn lane and southbound left-turn lane at the intersection of Gordon Road and N. College Road.

Nearby Proposed Developments included within the TIA:
- Buy Quick

**Development Status:** Site work underway

<table>
<thead>
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<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Wilmington Christian Academy Expansion</td>
<td>153 Pre-K students and associated staff</td>
<td>Approved September 14, 2016; 2018 Build Out Year</td>
</tr>
</tbody>
</table>

The TIA recommended improvements be completed at certain intersections in the area. The notable recommendations consisted of:

- Installation of turns lanes along Kenningston Street at the site’s driveways.

*When this TIA was approved, State law prohibited NCDOT from requiring schools to install roadway improvements. Under current regulations, the total cost of any required improvements to the State highway system must be reimbursed by NCDOT.*

**Nearby Proposed Developments included within the TIA:** None

**Development Status:** Completed without the recommended improvements

**Nearby NC STIP Projects:**

- **U-5792 & U-5881**
  - NCDOT’s State Transportation Improvement Program includes two projects (U-5792 & U-5881) that will upgrade College Road from Gordon Road to New Centre Drive. NCDOT’s recommended plans for the projects include converting certain intersections along College Road into interchanges, including at MLK Parkway and Kings Drive. Construction of these projects is expected to begin in 2024.

- **U-4751**
  - STIP project that will extend Military Cutoff from Market Street to I-140. The extension will also make connections to subdivisions located north of Gordon Road, giving residents additional options to access Market Street and Military Cutoff. Construction of this project is underway with an anticipated completion in 2021-22.

**ENVIRONMENTAL**

- The property is not within a Flood Hazard Area.
- The property does not contain any Natural Heritage Areas.
- The subject property is within the Smith Creek (C2Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class II (moderate limitation), and Class III (Severe Limitation). The existing single-family dwelling is served by a septic system in accordance with Environmental Health’s standards.
### Future Land Use Map Place Type

<table>
<thead>
<tr>
<th>Place Type Description</th>
<th>Urban Mixed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promotes development of a mix of residential, office, and retail uses at higher densities. Types of uses encouraged include office, retail, mixed use, small recreation, commercial, institutional, single-family, and multi-family residential.</td>
<td></td>
</tr>
</tbody>
</table>

### Analysis

The proposed child care center would be an expansion of an existing business located in a residential home. It is located in an area that the Comprehensive Plan ultimately envisions as an Urban Mixed Use node that would provide goods and services for nearby residents, serving as an alternative destination to the commercial areas along Market Street. Because the request is not a new development or redevelopment of the site, the urban design components of this place type are not included in the proposal, but a child care center is in line with the types of commercial uses that would be encouraged in this place type.

### Consistency Recommendation

The proposed child care center is generally **CONSISTENT** with the types of commercial uses encouraged in the Urban Mixed Use place type.
PLANNING BOARD ACTION

The Planning Board considered this application at their December 6, 2018 meeting. Three people spoke in favor of the request, stating that the child care operation is providing a needed service to the surrounding community.

The Planning Board recommended approval (6-0) of the application with the following condition:

1. The child care center shall care for a maximum of 12 children at any one time.

STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

Finding 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.

A. The site is accessed from Gordon Road, a major arterial street.
B. According to the most recent traffic counts in the area, the daily trips on Gordon Road exceed the design capacity of the two-lane road. The volume to capacity ratio for the segment of Gordon Road east of I-40 is 1.94.
C. The proposed child care center is expected to generate 18 trips in the AM and PM peak hours.
D. The proposal would allow for the existing child care operation to expand from caring for a maximum of 8 children to a maximum of 12 children.
E. Water services are currently provided by CFPUA. A private septic system serves the site in accordance with Environmental Health’s standards.
F. The subject property is located in the New Hanover County North Fire Service District.
G. The child care center must be licensed with the North Carolina Department of Health and Human Services and comply with additional regulations imposed by the agency.

Staff Suggestion: Evidence in the record at this time supports a finding that the use will not materially endanger the public health or safety where proposed.

Finding 2: The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.

A. The site is zoned R-15, Residential District.
B. Child care centers are allowed by special use permit in the R-15 zoning districts.
C. The site plan complies with all applicable technical standards of the Zoning Ordinance including the off street parking requirements.
**Staff Suggestion:** Evidence in the record at this time supports a finding that the use meets all of the required conditions and specifications of the Zoning Ordinance.

Finding 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

A. The surrounding area contains a single-family residential development and undeveloped land.
B. The property is accessed from Gordon Road, a major arterial street.
C. A family child care home is currently in operation on the property which allows for the care of up to eight school-aged children.
D. The proposed child care center would allow for the care of up to 12 school-aged children.
E. Except for marking the parking spaces located on the grassed areas of the front yard, and installing signage as permitted by the Zoning Ordinance, there would be no exterior modifications made to the existing single-family dwelling to accommodate the proposed child care center.
F. No evidence has been submitted that this project will decrease the property values of adjacent or nearby properties.

**Staff Suggestion:** The evidence in the record at this time supports a finding that the use will not substantially injure the value of adjoining or abutting property.

Finding 4: The Board must find that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for New Hanover County.

A. The 2016 Comprehensive Plan classifies the area proposed for the development as Urban Mixed Use, and the proposal aligns with general intent of this land use classification. The proposed child care center would provide a service for the adjacent neighborhoods and is in line with types of commercial uses that would be encourage in the surrounding area.

**Staff Suggestion:** Evidence in the record at this time supports a finding that the use is general conformity with the plan of development for New Hanover County.