

Planning and Zoning Board

Minutes

Thursday, September 15, 2011

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, September 15, 2011 for their regular scheduled meeting. Chairman Jim West called the meeting to order at 5:30 p.m. Members present were David Laughter, Ray Pickett, Brenda Fairbetter, Debbie di Santi, David Harwood, and Doug Pegram. Staff members present were Town Manager Scott Hildebran, Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley. Member absent was Lisa Stripling.

Chairman West asked if there were any changes to the minutes. There were none.

Mr. Pickett made a motion to approve the minutes. The motion was seconded by Mr. Laughter. All members were in favor of the motion.

CUP # 2011 – 05 Sunny Side Daycare

Ms. Brenda Fairbetter is a property owner of the subject property and related to the applicant and asked to be excused. *Mr. Pegram made a motion to excuse Ms. Brenda Fairbetter. The motion was seconded by Ms. di Santi. All members were in favor of the motion.*

Mr. Rothrock discussed the staff report with the board. Amber Fairbetter is requesting a conditional use permit to operate a daycare for up to eight (8) preschool children at 393 Skyland Drive. Ms. Fairbetter currently operates a Sunny Side Home Daycare for five (5) preschool age children. Ms. Fairbetter has been in operation since August 2010; however, the Land Use Code does not regulate child care for 5 or fewer children. Staff noted that the following requirements will need to be addressed as part of the CUP application:

1. Currently there are 2 parking spaces and one pull off area on the property. The Land Use Code requires 7 spaces. There is not enough room on the property to provide 7 spaces. Ms. Fairbetter plans to add 1 parking space adjacent to the existing parking spaces and to modify the pull off area to meet Land Use Code standards. Ms. Fairbetter has developed a 1 1/2 hour drop-off and pick-up schedule for the current operation to avoid parking congestion.
2. The Land Use Code requires a buffer for businesses and daycares are classified as businesses. A 16 foot wide opaque buffer is required on the western and northern property lines and an 8 foot semi-opaque buffer is required along the southern line. There is a significant vegetation buffer along the north and south property lines. The proposed daycare is also the residence for the Fairbetter family. Per section 16-309 it is possible to consider a reduction or elimination of the required screening based on the compatibility of the daycare with the surrounding land uses.

3. There are additional NC State Building Code requirements that have to be satisfied to continue daycare operations including plumbing modifications, electrical changes, structural support for decking, and additional smoke detectors.

The Board discussed the request. Chairman West confirmed that daycares are allowed in all but 2 zoning districts. Mr. Pegram asked if there were any precedents for daycare operations. Mr. Rothrock said not really; that in the past there have been a few daycares in town. Mr. Harwood asked if the operation is currently in compliance. Mr. Rothrock said that it is not in compliance with the NC State Building Code and the Land Use Code does not regulate daycares with 5 or fewer children. Mr. Pegram asked if there was any leeway for the operator's children. Mr. Harwood asked if the drop-off/pick-up schedule would change if there were 8 children at the daycare. Mr. Rothrock said Ms. Fairbetter could address that by staggering the drop-off/pick-up times.

Chairman West asked the applicant if they wanted to make a presentation. Ms. Fairbetter told the Board that she and her mother operate the daycare. All the NC Building Code issues have been corrected except the electrical. She has permission to use a neighbor's adjacent vacant lot for an additional parking space; making a total of 5 parking spaces. Mr. Pegram asked if the parking rotation schedule worked with 5 children. Ms. Fairbetter said it did and if any parking issues arose she addressed those immediately. Ms. di Santi asked if expanding the existing parking area from 2 spaces to three spaces was possible. Ms. Fairbetter's husband, Mr. William Fairbetter, said that expanding the parking would work.

Chairman West asked if there was a minimum square footage per child for state licensing. Ms. Fairbetter said the amount is 25 square feet per child in the building and a 75 square foot playground and that everything is on track to meet the state requirements; she just needs the CUP. Chairman West asked if the parking requirement was different for school age children. Ms. Fairbetter has no plans to keep school age children.

Chairman West then opened the floor to public comment.

Katherine Norris, who lives across from Sunny Side Daycare, hasn't had any problems with the current operation. She doesn't hear any traffic noise, but other neighbors have told her that they hear traffic as early as 5:30am. Ms. Fairbetter said that the first child arrives at 7:15am. Ms. Norris is concerned about traffic. The corner is dangerous without a day care there. There is a yield sign at Skyland Drive, but many people don't yield. She also said that the current pull off area seems dangerous, and that the parking spaces are much safer and that if Ms. Fairbetter can adhere to the drop-off/pick-up schedule that would help.

Ms. Norris asked where the play area would be located. Ms. Fairbetter said it would be behind the house. Ms. Norris thinks the play area should be fenced in and said that her primary concern is for the safety of the children. Ms. di Santi confirmed that Skyland Drive is a dead-end. Ms. Norris agreed, but said there was a lot of coming and going. Mr. Harwood noted that there is another business on Skyland Drive. Mr. Rothrock confirmed that the business is Wendy Estes' salon.

Chairman then asked Ms. Fairbetter for her rebuttal. Ms. Fairbetter said that the children currently play on the deck because there is no other play area. She will have to have a fenced area to accept more than 5 children. Chairman West asked if the deck will be fenced. Ms. Fairbetter said there is currently a gate on the deck and that the fenced play area will be in the yard.

Chairman West closed the public comment period.

Chairman West asked if the Board had any questions. Mr. Harwood asked how the pick-up/drop-off schedule would be enforced. Mr. Rothrock said that the CUP is recorded and follows the property and that one condition would be adherence to the pick-up/drop-off schedule. He said that complaints are the main way that compliance is enforced. Mr. Harwood said that properties and businesses get sold. Chairman West confirmed that the CUP is recorded and that there is a link to CUPs on the Town's website, but that being recorded doesn't mean it's in our minds. Mr. Pegram asked how the parking schedule would be enforced. Mr. Rothrock said there are fines and revocation of the CUP, but the primary goal is to get them back in compliance. Mr. Harwood said that there are 2 businesses in the neighborhood now and wondered how this change would affect the mostly single family area.

Ms. di Santi suggested approving the request with the following conditions.

1. The staggered pick-up/drop-off schedule be enforced
2. Adding an additional parking space to the existing 2 parking space area
3. Keeping the pull-off parking space. Mr. Rothrock suggested enlarging the pull-off parking space.

Ms. di Santi moved to grant the request with the conditions. Mr. Harwood seconded the motion. All members were in favor of the motion.

Ms. Brenda Fairbetter returned to the meeting.

Other Business

Chairman West asked Mr. Hildebran about updating the comprehensive plan and the citizen questionnaire. Mr. Hildebran said the Town Council wants to proceed, but will wait until after the election. Also, they haven't determined who to use for the survey.

Mr. Rothrock said that Wind Energy might be on the shelf until there is a big push for it.

Chairman West said that the Board may want to think about what they want the Town Council to review at their next retreat.

With no further business Ms. di Santi made a motion to adjourn, seconded by Ms Fairbetter. All members were in favor of the motion.

Adjourn

With no further business the Planning Board adjourned at 6:15 PM.

Chairman West

Tammy Bentley, Administrative Assistant