

E. DAY NURSERY AND PRIVATE KINDERGARTEN BURDEN OF PROOF

Before issuance of a conditional use permit for one of the specific uses listed in §78-678(b) *Conditional Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Board that it can properly grant the Conditional Use Permit as provided for in §78-678(b)(11) *Conditional Use Standards, Day Nursery and Private Kindergarten*. The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Conditional Use Permit for a Day Nursery or Private Kindergarten.

If necessary please provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved Conditional Use Permit and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate proposed signage. Signage is limited to a single non-lighted sign, not to exceed eight (8) square feet, with a maximum height of four (4) feet.

— There is no current signage at YMS. We do plan to have a sign where the driveway meets Watson Rd. The sign will be low and unobtrusive and will not impact traffic (it will not be lit up, will not be taller than 4 feet high and 6 feet long. The purpose of the sign will be to signal where YMS is located as people often miss/drive past 110.

2. Indicate proposed drop-off areas. Drop-off and pick-up areas shall not obstruct traffic flow on adjacent streets.

— The day nursery drop off and pick up areas are located approximately 300 feet away from Watson Rd. and will be staggered so that traffic is not obstructed or flow interrupted. This means that 12 children will be dropped off between 8:30 to 8:45 a.m. and 12 children between 8:45 to 9 a.m. For pick up, 12 children will be picked up between 12:30 to 12:45 p.m. and 12 children will be picked up at 12:45 p.m. YMS will have a self-imposed cap of 24 children.

3. Indicate proposed parking. Parking shall only be located in side and rear yards and is subject to the off-street parking requirements located in Table 3 of Sec. 78-658.

— Parking at the day nursery is in the side yard and there are 4 available parking spots, 1 spot per teacher, and one handicapped spot. In February 2020 we plan to widen part of the existing parking lot to allow for a turn around area.

4. Indicate proposed buffering. Property line buffering must meet the requirements described in Sec. 78-667 and parking areas and outdoor play areas must be screened from adjacent properties through the use of vegetation or solid fencing.

— The evergreen is the Emerald Green Arborvitae (*Thuja occidentalis "Smaragd"*) which is 15 feet high when mature. They were planted when they were 5 feet tall in October 2019. Northern border: this is a 100 foot border with no natural occurring vegetation/existing fence. We planted 25 trees along this border as outlined in the buffering requirements. The first row being 8 feet apart and the second row staggered every 4 feet by a depth/width of 4 feet. On the southern 130 foot border we planted 20 trees as outlined in the buffering requirements. On this border there is some fencing and natural occurring vegetation.

F. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Conditional Use Permit for a Day Nursery or Private Kindergarten. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.



Signature of Petitioner

01 09 2020
Month Day Year



BUNCOMBE COUNTY
NORTH CAROLINA
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

**Application for a
CONDITIONAL USE**

PLEASE NOTE:

A PRE-SUBMITTAL CONFERENCE WITH THE ZONING ADMINISTRATOR IS REQUIRED PRIOR TO
SUBMITTING THIS APPLICATION FOR A CONDITIONAL USE PERMIT

Please complete all sections of the application.

A. Property Information

PIN(s): 9653-36-5641
Address(es): 110 Watson Rd.
Project Name: Your Montessori School
Acreage: .7

B. Application for Conditional Use Permit

Application is hereby made to the Board of Adjustment to issue a Conditional Use Permit for use of the property described above as a (please provide a brief description of the use):

Your Montessori School (YMS) is a half day preschool program that will serve 24 three to six year olds. We have successfully converted our previous home to a day nursery/preschool that currently serves 8 children.

C. Applicant Contact Information

Your Montessori School, Inc.

Company/Corporate Name (if applicable)

Amy Morgan

Applicant's Name

79 Thoroughbred Circle

Mailing Address

Ashe, NC 28704

City, State, and Zip Code

(773) 259 3393

Telephone

amy.morgan5@gmail.com

Email

D. Owner Contact Information (If different)

Owner's Name

Mailing Address

City, State, and Zip Code

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Telephone

Email

OFFICE USE ONLY:

Date received: 1/10/20

Pre-Submittal Conference with: _____

Scheduled BOA Hearing: 2/12/20

Case Number: ZPH 2020-00001

Application fee paid: Yes No

RECEIVED: Full size site plan

14 copies of reduced size site plan
 Digital copy of development plan

E. CONDITIONAL USE PERMIT APPLICATION CHECKLIST

I, the petitioner, submit a site-specific development plan containing the following information (Please mark 'NA' by any requirement that is not applicable and provide a brief statement as to why it is not applicable. Failure to submit a complete application will result in removal from the Board of Adjustment agenda):

Development Plans:

- One full sized copy of the development plan to scale and dated.
- 14 copies of the development plan reduced to either 11" x 17" or 8.5" x 11".
- A digital version of the development plan in pdf format.
- A statement of present and proposed ownership.
- Development schedule indicating approximate beginning and completion dates of the development, including any proposed stages. **Physical Improvements Complete**
- Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
- NA Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, gross residential densities, and the total amount of open space. **NO RESIDENTIAL DWELLING UNITS**
- Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.

NA For commercial structures in PUDs, architectural renderings of all principal buildings, drawn to a known scale. Elevation renderings of the site, to scale, for any retaining wall system proposed to provide a cumulative vertical relief in excess of 10' in height showing landscaping, vegetative screening, and the top and bottom of the wall at grade.

NA For developments of more than 75 residential units, a traffic impact study meeting the guidelines for traffic impact studies provided in the North Carolina Department of Transportation's "Policy on Street and Driveway Access to North Carolina Highways." **NOT A DEVELOPMENT OF MORE THAN 75 UNITS**

Site Conditions:

NA Existing site conditions including the following if applicable: contours, watercourses, identified flood hazard areas, and any unique natural or manmade features. **NOT A FLOOD HAZARD AREA**

NA Boundary lines of the proposed development, lot lines, and plot design. **(See SITE PLAN)**

NA Proposed location and use of all existing and proposed structures, including the location of any proposed retaining walls. The maximum height of any retaining wall shall be shown on the proposed site plan. **NO RETAINING WALLS**

NA Location and size of all areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, and similar public and semipublic uses. **NO PUBLIC OR SEMI-PUBLIC USES**

Locations and/or notation of existing and proposed easements and rights-of-way. **(See SITE PLAN)**

Zoning district in which the project is located. **RE: DRIVEWAY**

Infrastructure:

NA Existing and proposed street system, including the location and number of off-street parking spaces, service areas, loading areas, and major points of access to the public right-of-way.

NA Notation of the proposed ownership of the street system (public or private).

NA Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services. **FIRE INSPECTION PASSED 12-31-9**

Approximate location of proposed utility systems, including documentation of water and sewer availability. **SEE ATTACHED**

NA Documentation of pre-application conferences with the Sedimentation and Erosion Control and Stormwater Management offices (where required). **NOT REQUIRED** **SEPTIC INFO**

Perimeter and Adjacent Uses:

Proposed treatment of the development's perimeter including materials/techniques (ex: screens, fences, walls). **SEE BUFFERING ON SITE PLAN**

NA Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

F. CONDITIONAL USE PERMIT BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Board that it can properly grant the Conditional Use Permit as provided for in §78-677(g) *Procedures for obtaining a Conditional Use Permit, Conditions for granting approval*. The Board of Adjustment has limited discretion in deciding whether to grant a Conditional Use Permit.

If necessary please provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved Conditional Use Permit and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate how the proposed CUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed CUP:

The CUP will not adversely affect the health or safety of persons residing or working in the neighborhood. YMS will have a self-imposed child cap of 24 children because of Montessori square footage per child recommendations. YMS is half day program and hours of operation will be from 8:30/8:45 to 12:30/12:45. Drop off and pick up will be staggered over the course of 30 minutes so that children that arrive between 8:30 and 8:45 will leave between 12:30 and 12:45 and children that arrive between 8:45 and 9 will leave between 12:45 and 1 p.m. This is in an effort to reduce the amount of noise and vehicles coming and going from YMS. Garbage will be removed daily by staff. I do not anticipate negatively impacting our neighbor's quality of life. Children will be on the playground for approximately 30 minutes a morning and with the buffering sound and visual barrier any noise/play should be lessened greatly.

2. Indicate how the proposed CUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed CUP:

The CUP will not adversely affect the health or safety of persons residing or working in the neighborhood. YMS will have a self-imposed child cap of 24 children because of Montessori square footage per child recommendations. YMS is half day program and hours of operation will be from 8:30/8:45 to 12:30/12:45. Drop off and pick up will be staggered over the course of 30 minutes so that children that arrive between 8:30 and 8:45 will leave between 12:30 and 12:45 and children that arrive between 8:45 and 9 will leave between 12:45 and 1 p.m. This is in an effort to reduce the amount of noise and vehicles coming and going from YMS. Garbage will be removed daily by staff. I do not anticipate negatively impacting our neighbor's quality of life. Children will be on the playground for approximately 30 minutes a morning and with the buffering sound and visual barrier any noise/play should be lessened greatly.

3. Indicate how the proposed CUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

- 3. Aside from the sound of children playing on the playground, the proposed CUP will not cause or have any adverse effects on surrounding properties due to noise, vibration, odor, or glare effects because it is for a day nursery. Additionally, buffering should mitigate any issues with noise or visual impact. Because YMS is a half day program, children will be gone by 1 p.m. so there should not be any possible noise issues after this time.

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed CUP:

4. Satisfactory ingress and egress to the property will not impact pedestrian safety because of where the property is located. There are no sidewalks or pedestrian traffic on Watson Rd. 110 Watson Rd has a driveway that is approximately 300 feet long and is directly off of Watson Rd and leads directly to the day nursery. Watson Rd is a moderately busy road and traffic flow will not be impacted by cars entering or leaving the driveway. In February 2020, the driveway be widened by six feet, have 2 pull outs added, and resurfaced with asphalt millings. We will have at most 24 children at YMS and will have a stagger start so that 12 children arrive between 8:30 and 8:45 a.m. and 12 children arrive between 8:45 and 9 a.m. This will allow for a smooth drop off and pick up routine and mitigate any traffic flow issues on Watson Rd. It will also allow for a convenient and easy drop off routine for parents and caregivers.

5. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed CUP:

5. The ordinance requires 1 parking spot per 8 students. Despite having only 24 students, our parking area provides 4 parking spots for families + 1 handicapped parking spot. The ordinance also requires one parking spot per teacher and therefore we have 2 designated teacher parking spots. Please see site plan for compliant parking.

6. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed CUP:

6. Adequate and proper utilities already at the location of the proposed CUP include Duke/Progress Energy (heat/electricity), City of Asheville water, and AT&T (landline/internet).

7. Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed CUP:

The evergreen is the Emerald Green Arborvitae (*Thuja occidentalis "Smaragd"*) which is 15 feet high when mature. They were planted when they were 5 feet tall in October 2019. Northern border: this is a 100 foot border with no natural occurring vegetation/existing fence. We planted 25 trees along this border as outlined in the buffering requirements. The first row being 8 feet apart and the second row staggered every 4 feet by a depth/width of 4 feet. On the southern 130 foot border we planted 20 trees as outlined in the buffering requirements. On this border there is some fencing and natural occurring vegetation.

8. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed CUP:

8. There is no current signage at YMS. We do plan to have a sign where the driveway meets Watson Rd. The sign will be low and unobtrusive and will not impact traffic (it will not be lit up, will not be taller than 4 feet high and 6 feet long. The purpose of the sign will be to signal where YMS is located as people often miss/drive past 110. There is an outside light located at the front and back doors of the building that are used at night.

9. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed CUP or how the items listed are not applicable to the proposed CUP:

9. There is a playground/fenced in area currently in use. It was fenced in by Lowe's in October 2019. It is approximately 1200 square feet on the southwest corner of the property. This allows for a safe space for the children to play on each morning. There is a handicap accessible ramp from the handicap parking spot to the front door of the day nursery. There are no other open spaces, pedestrian ways, or access ways to be used by YMS.

10. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed CUP:

(See attached)

11. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed CUP:

(See attached)

G. ADDITIONAL CONDITIONAL USE STANDARDS

Before issuance of a conditional use permit for one of the specific uses listed in §78-678(b) *Conditional Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met.

The petitioner shall be required to submit an additional form specific to the use, in order to assure these conditions are met. An application for a use listed in §78-678(b) shall not be deemed complete without the additional form.

Failure to submit the complete additional form(s) required for specific conditional uses will result in removal from the Board of Adjustment agenda.

H. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a conditional use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Signature of Petitioner

Month

Day

2020

Year

10. The day nursery building is 1200 square feet on .8 acres. The building is tucked away and directly surrounded by land/fields and a few other homes. It is compatible with the surrounding area for several reasons. The first reason is that we didn't alter the "look" of the building so that it maintains the look and feel of a residential home. 110 Watson Rd is not in a traditional neighborhood but surrounded by larger lots of land and a handful of homes. For example, there is at least 20 acres to the north with 3 homes on it and approximately 3 acres to the south with no homes on it. 114 Watson Rd is located at the top of the driveway about 300 feet from the day nursery. With the buffering and our self-imposed cap size of 24 children, YMS will not be disruptive or incompatible with the surrounding area.

11. The hours of operation are from 8:30/8:45 a.m. to 12:30/12:45 p.m. These hours of operation, that being a half day program, will not negatively impact the surrounding area as the homes are farther away and residents will likely not notice parents dropping off or picking up children. The children go outside typically once a morning for 30 minutes. The noise level will not be an issue also because the surrounding homes are at least 300 feet away and the buffering of trees. One reason we chose to convert the residence to a day nursery is because of its location and privacy. There is more land than homes and a feeling of being away from businesses and the hustle and bustle of south Asheville. We want to keep and continue that feeling for the day nursery, the children, and our neighbors.



Applicant / Owner Signatures for CUP's / PUD's

Multiple Applicants & / or Owners

Required Information: Each property owner who is participating in this CUP / PUD application must complete this form. Use additional forms if necessary.
NOTE TO USER: THIS SECTION IS FOR USE IN CASES WHERE MULTIPLE PROPERTIES, OWNED BY MORE THAN ONE PROPERTY OWNER, ARE INVOLVED IN THE CUP / PUD APPLICATION.

Location of Properties Proposed for CUP / PUD		PIN Number	15-digit unique identifier for each parcel. PIN numbers can be found on your tax bill or online at https://gis.buncombecounty.org/buncomap/ . Example: 96541572800000 or 9654-15-7280
Physical E-911 Address	Street number, name, city, state, zip code. You may verify your E911 Address at https://discover.buncombecounty.org/		
1	110 WATSON RD. ARDEN, NC 28704	965336564100000	
2			
3			
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Contact Information and Certification of All Owners continued

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this application. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this application.

Owner Name	Corporate Title (if applicable)	Mailing Address Street number, name, city, state, zip code	Telephone Number	Email Address
Amy Morgan		79 Thorowbyned Circle; Arden, NC 28704	773-259-3393	AmyMorgan5@ Grant.com
5	Owner Signature: <u>Amy Morgan</u> Date: 1-9-2020	Applicant/ Designated Representative - Name: Signature:	Date:	
6	Donald Stahlke	79 Thorowbyned Circle; Arden, NC 28704	773-612-4788	dstahlke@ trstahlke.com
7	Owner Signature: <u>Donald Stahlke</u> Date: 1/9/2020	Applicant/ Designated Representative - Name: Signature:	Date:	
8	Owner Signature:	Applicant/ Designated Representative - Name: Signature:	Date:	
		Applicant/ Designated Representative - Name: Signature:	Date:	
		Applicant/ Designated Representative - Name: Signature:	Date:	