

ITEM NO. 4 SPECIAL USE PERMIT FOR DAY CARE; 1023 HIGHLAND DR (SLD)

SUP-2-2-09: Consider a Special Use Permit for a Day Care Center at 1023 Highland Drive. Submitted by ABC Imagination Center, for Richard R. Pine, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Rasmussen asked if this were a home daycare instead would a Special Use Permit be required.

Ms. Day said no, it would be filed as a Home Occupation in the Planning Department.

Commissioner Finkeldei asked if parking requirements are referring to off street parking.

Ms. Day said that was correct, off street parking.

APPLICANT PRESENTATION

Ms. Mary McGee, was present for questioning.

Commissioner Finkeldei asked if Ms. McGee would run the daycare herself.

Ms. McGee said yes.

Commissioner Harris asked Ms. McGee why she was proposing a professional daycare rather than a residential daycare.

Ms. McGee said she does not live at the property.

Commissioner Dominguez asked how she found the location.

Ms. McGee said she found the property through her boyfriends father. She said her residence would not be a good facility for a daycare because it does not have the same amenities, such as being near a school and a fenced backyard.

Commissioner Finkeldei asked if she intended to be the only employee.

Ms. McGee replied yes, but that there would be a substitute employee for days that she is ill or on vacation. She suggested that parking could be on Yale Street and that there is parking on both sides of Hillcrest. She said the driveway would hold two cars but she needs parking for five cars.

Commissioner Blaser asked Ms. McGee if she had talked to the school across the street about using a few spots during the day time.

Ms. McGee said she contacted the school twice and they had not responded.

Ms. Day said she spoke with Mr. Tom Bracciano and he said that if the school principal was willing then they would try and work with Ms. McGee.

Commissioner Moore inquired about the number of children.

Ms. McGee said she would have about 6-10 children to begin with.

PUBLIC HEARING

Ms. Virginia Anderson, owner of 1035 Highland, said she lives in Ottawa but that her son lives in the house at 1035 Highland. She expressed concern about the following items: potential traffic problems, no parking on the same side of the street as the daycare center, Hillcrest school driveway exit is directly in front of the daycare. She asked that the following conditions be included: only one employee, comply with parking requirements of five off street parking spaces, application be approved for two years only and resubmitted for review.

Commissioner Dominguez asked if there was a current issue with traffic.

Ms. Anderson said yes.

Mr. McCullough said he was not familiar with any specific traffic problems.

Ms. Day said there were no traffic concerns identified by City Traffic Engineers. She said there were general discussions about the intersections of Yale and Harvard with Iowa.

Commissioner Dominguez asked Ms. Anderson if her son lives at the property she owns at 1035 Highland.

Ms. Anderson said that was correct.

Commissioner Moore asked if Ms. Anderson was aware of the prior daycare use.

Ms. Anderson said no.

COMMISSION DISCUSSION

Commissioner Rasmussen asked if Ryan Grey park was open to the public during school hours.

Ms. McGee said she did not know.

Commissioner Blaser asked if there was opportunity to widen the driveway.

Ms. Day said that stacked parking would need a variance.

Commissioner Rasmussen asked if they were to approve expanding the driveway pavement would the applicant need a variance.

Ms. Day said that the design would have to be laid out first to see if a variance would be needed.

Commissioner Singleton asked what the easiest way would be for the applicant to comply with the parking requirements without her having to do anything else.

Ms. Day said that shared parking with one of the nearby businesses or school, or a variance.

Commissioner Singleton asked if the variance would be reviewed by the Board of Zoning Appeals.

Ms. Day said that was correct.

Commissioner Rasmussen asked why there was no staff recommendation for a time limit on the Special Use Permit.

Ms. Day said that there are existing provisions to revoke a Special Use Permit if needed.

Commissioner Finkeldei said that Planning Commission has approved several daycare centers without a time limit. He asked staff what neighbors should do if they have a complaint about the activity.

Ms. Day said complaint calls can be made to the Planning & Development Services Department and staff would try to meet the applicant on site to find out what the issue is. The item would be brought back to Planning Commission if compliance cannot be reached. The Special Use Permit could be revoked or conditions revised.

Commissioner Blaser asked if the item could be delayed until the parking was resolved in some manner.

Mr. McCullough said that Planning Commission could approve the item and the variance could be reviewed by the Board of Zoning Appeals prior to the item being heard by City Commission. He said there were different ways to resolve the parking issue.

Commissioner Finkeldei asked if Ms. McGee could not open the daycare until the parking was resolved.

Mr. McCullough said that was correct.

Commissioner Rasmussen said that Planning Commission should send support to the Board of Zoning Appeals to grant a variance.

Commissioner Singleton felt that the daycare was an excellent use of the neighborhood and area and she did not think there would be a substantial increase in traffic if the 12 children also attend Hillcrest school.

Commissioner Harris said that she would like condition 3(b)(i) not be included in the conditions.

Commissioner Singleton agreed with Commissioner Rasmussen about sending the message to the Board of Zoning Appeals that Planning Commission supports a variance being granted.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Moore, to approve SUP-02-02-09, a Special Use Permit for a Day Care Center use located at 1023 Highland Drive, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Applicant shall provide a revised site plan to show the following changes:
 - a. Show and note that fence shall comply with section 20-507 for a minimum 4' fence of the outdoor play area.
 - b. Show and note approved parking:
 - i. ~~either expanded driveway pavement per staff approval or~~
 - ii. execution of a shared parking agreement with the school or
 - iii. note approval of a variance for reduced parking granted by the Board of Zoning Appeals.
 - c. Add a note that states that a maximum of 12 children are allowed at a given time.
 - d. Add a note that a change in provider shall require re-approval by the City Commission.

Unanimously approved 8-0.