

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item:**

Staff Report  
12/13/10

**ITEM NO. 2      SPECIAL USE PERMIT; 345 FLORIDA ST (SLD)**

**SUP-10-7-10:** Consider a Special Use Permit for a day care facility located at 345 Florida Street, on approximately 1.065 acres. Submitted by Peridian Group, Inc., for DCCCA Inc., c/o of Elizabeth B. Ballard Community Center, Inc., property owner of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of SUP-10-07-10, a Special Use Permit for a day care center located at 345 Florida Street, 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. Provision of a copy of the Health Department license prior to operation to be included in the record file of this application.
4. Provision of a revised site plan to include the following notes and changes:
  - a. Application shall be subject to review by Staff prior to the addition of before and after school care programs.
  - b. Provision of a revised site plan to show additional landscaping in the interior parking lot islands to include two trees and 6 shrubs.
  - c. Provision of a revised legal description to include the new minor subdivision.
  - d. Revise general note 6 on the face of the plan to indicate that the building is vacant.
  - e. Revise drawing to note the portion of the sanitary sewer main that will be abandoned in place under the new building.

**Applicant's Reason for Request:** *A Day Care Facility requires a Special Use Permit within the RSO zoning. The existing SUP has expired.*

**KEY POINTS**

- Proposed use will operate from a new facility to be constructed.
- Property has a previous history as community related uses.
- Property is located at the corner of a collector street/local street intersection.
- Property is located in the Pinckney Neighborhood.
- Development Code requires Special Use Permit approval for Day Care Centers when located in residential districts.

**FACTORS TO CONSIDER**

- Procedural requirements of Section 20-1306; Special Use Permits.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- UPR-8-12-85; First Step House.
- SUP-1-2-08; Day Care Facility – Ballard Center, expired.
- MS-11-8-10; minor subdivision to consolidate lots into a single parcel.
- Publication of an ordinance per Section 20-1306(j).

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

No comments have been received.

<b>GENERAL INFORMATION</b>	
Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District. Existing development to be removed.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District; in all directions except for 330 Minnesota which is zoned RSO. Surrounding uses include residential attached and detached dwellings in all directions.
<b>Site Summary</b>	
Legal Description	Lots 8, 9, and 10 Northwood Addition Replat and Lots 11, 12, and 13, Minnesota Addition. Proposed as <i>Minor Subdivision Petey Cerf Early Education Center (MS-11-18-10)</i> .
Location	345 Florida Street
Property Area	46,345 SF
Use Group	Day Care Center (20-1720 (3))
Existing Buildings	Proposed for demolition
Proposed Building	11,785 SF
Proposed Students	100 total students [infant, toddler, and preschool age]
Required Off Street Parking	Day care 1 space per 1.5 employees + 4 additional spaces = 18 employees = 16 spaces required
Off-Street Parking Provided	16

**Summary:**

The proposed request is for year-round early childhood learning/care for children ages birth to pre-school. School age and before/after school care is not proposed for this facility. Site development includes a new building, outdoor play area and off-street parking. The building is currently vacant.

**Review and Decision-Making Criteria (20-1306(i))**

**1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**

Applicant Response: *"Yes, Day care Facilities are allowed within this zoning by obtaining a Special Use Permit. All code setback requirements have also been met."*

**Staff Finding** – The proposed use is for a day care center (per section 20-1720 (3)) and is allowed in the RSO district subject to the approval of a special use permit. Standards applicable to day care center are found in section 20-507. This use requires minimum 4' high fencing of outdoor play areas. The proposed use complies with the Development Code as conditioned.

**2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS**

Applicant Response: *"The proposed use is the same as the existing use as a day care facility, adjacent to multi-family residential (RM24). Other than the proposed building will be slightly larger,*

*but in the same location, and the parking lot will move access off Minnesota Street, all other operating characteristics such as lighting, noise, hours of operation, and traffic will remain the same as existing.”*

A Special Use Permit for a day care center was previously approved for this same property in 2008. The property was originally developed as an institutional use (nursing home). Additional uses include a women's recovery/transitional housing facility, and a planned day care facility. Water damage to the building requires that the existing structure be demolished. A new facility is proposed. Redevelopment of the site will reorganize the location of the building, parking lot, and play areas. A detailed discussion of the site plan is included later in this report. The proposed use will be compatible with the adjacent uses in terms of scale, site design and operating characteristic.

**Staff Finding** – Approval of the Special Use Permit does not alter the base zoning district. The proposed use is compatible with the adjacent uses.

**3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROEPRTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

Applicant Response: *“No, as stated before, a day care facility is the current use. If anything, improvements should increase surrounding property values.”*

The property was originally developed as a nursing home located within the neighborhood setting. The most recent use was as a residential care facility (UPR-08-15-85; First Step House). A Special Use Permit was approved for a change in use to allow the operation of a day care. The building was damaged prior to the opening of the facility for use and is currently vacant. Clearly there will be more daily activity to and from the site with up to 100 students and 18 staff than in the recent past. The site configuration will take traffic off Florida and move it to Minnesota Street. The property has a long history of community facility use. The proposed request represents a substantial investment in the property with new construction.

**Staff Finding** – The subject property is developed with an existing building, previously approved for a day care use. Because of damage to the building the existing structure will be removed allowing the site to be more efficiently used and designed specifically for a day care use. The property has been used for community related uses since the original development. No negative impacts are anticipated for the neighborhood resulting from the planned day care use or the site redevelopment plans.

**4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT**

**Staff Finding** –The subject property is an existing improved property that was a former residential treatment facility (First Step House 1985 to 2007) and a nursing home prior to 1985. New utility services are not required for the existing building. Water, sewer, and private utilities are all ready extended to this property. Redevelopment of the site includes abandonment of an existing sanitary sewer main that is currently under the building. This abandonment will be an improvement to the public system.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

**Staff Finding** –The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

**6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT**

Applicant Response: *"No, improvements should improve the natural environment. Owner is looking to obtain LEED Platinum certification for this daycare facility, therefore improvement impacts from existing [conditions]. We will be looking at constructing bioswales and pervious pavement onsite, and a LEED certified building to avoid these adverse impacts. ."*

**Staff Finding** – The subject property is located within a developed urban neighborhood. It should be noted that the proposed site improvements will voluntarily use "green building practices" to mitigate impacts to the largest degree possible.

**7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.**

**Staff Finding** –Historically Special Use Permits for day care centers (UPR's under the 1966 code) have not been restricted with a time limit. However, limitations have been placed on the operator, occupancy, and care. Staff recommends the approval be specific to the operator of the facility. Changes in the operator of the day care center shall be required to notify staff of the change. Additionally, staff recommends that the application be subject to review by staff prior to the addition of before and after school care programs.

**Site Plan Review:**

The site is being redeveloped. The site will be cleared of existing improvements to allow for new construction of an 11,785 SF building. A new lot parking and building access will be provided from Minnesota Street. The current outdoor area is located on the Minnesota Street side of the property. The new configuration will provide outdoor play area on the Florida Street side of the new building.

*Off-Street Parking:* The Development code states that no part of a parking area may be located within 25' of the right-of-way in any residential district (20-909(b)). The site plan complies with the required setback. Off-street parking is required at 1 space per 1.5 employees plus 4 additional spaces. A parking summary is included at the beginning of this report.

A drop off area is provided at the front entrance of the building. The parking lot is designed with a one-way circulation and a single driveway entrance. This will minimize driver conflict on site.

*Landscape:* The subject property is "L" shaped and is zoned RSO, a residential district. The parking lot is located on the west side of the property. The surrounding property in all directions is zoned RM24, a high-density multi-dwelling district. The exception is the RSO zoned multi-dwelling residence located at 330 Minnesota in the northwest corner of the area along Minnesota Street. This building includes four dwelling units. No buffer yard is required for the portion of the property that abuts the residence.

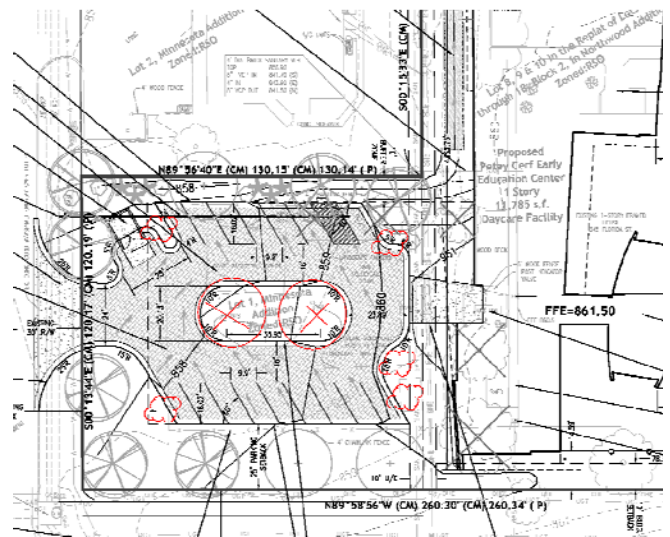
- A Type 1 Buffer Yard is required where the RSO and RM24 districts abut.

The site has been designed with a 10' buffer and includes dense plantings along the common property line between the site and the residence to the north along Florida Street. Although not required Type 1 Buffer Yard treatment has also been applied to the north property line between the 4-plex and the parking lot.

Other applicable areas for a Type 1 Buffer Yard are located concurrently along the public right-of-way. The parking lot has been designed with street trees and shrubs within the 25' parking lot setback. The area along the west portion of 4<sup>th</sup> Street and along Florida Street includes only existing street trees and no other landscape materials. This area is fenced to enclose the play yard for the day care.

Street trees will be added to the site along 4<sup>th</sup> Street and along Minnesota Street. Existing street trees along Florida Street and the east portion of 4<sup>th</sup> street are intended to be retained. Any damage to the existing street trees resulting from the construction process will require new trees to be planted.

The parking lot includes a large center island and several smaller islands at the corners of the parking lot that provide the required interior green space. Additional landscaping is needed in the islands to comply with section 20-1003. Staff recommends that two additional trees and at least 6 shrubs be provided in the islands.



## CONCLUSION:

This request includes redevelopment of an existing site for a community facility use, specifically a day care center. Staff has noted that the landscape materials must be installed to comply with the Development Code requirements. As a day care center in a residential zoning district a Special Use Permit and public hearing is required. This project represents a significant investment in the neighborhood. The property has a long history of being used for community facility uses.