

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

PC Staff Report  
2/23/15

**ITEM NO. 2 SPECIAL USE PERMIT FOR PRECIOUS ONE'S LEARNING CENTER;  
1100 KASOLD DR. (KES)**

**SUP-14-00488:** Consider a Special Use Permit for a preschool located in the lower level of Christ Community Church at 1100 Kasold Dr. Submitted by Christ Community Church, property owner of record for Nicole M. Harris, proprietor.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of a weekday three hour Preschool/Daycare Center inside the Christ Community Church located at 1100 Kasold Dr. and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan for issuance of occupancy or building permits:

1. Provisions of a revised site plan with the following changes:
  - a. Additional use, number of students and hours of operation identified.
  - b. Identify area/location of outdoor play.
  - c. A note indicating that City review is required if there is a change in the preschool/daycare operator.

**Applicant's Reason for Request:** *Use of pre-school/daycare in a RS7 zoning district requires a Special Use Permit.*

**OTHER ACTION REQUIRED**

- City Commission approval of SUP
- Approval and publication of ordinance.
- Submission and approval of building plans and fire prevention plans associated with change of occupancy or building permit.

**PLANS AND STUDIES REQUIRED**

- *N/A*

**KEY POINTS**

- Existing classrooms will be used to accommodate 44 children, ranging in age from 2 ½ to 5yrs.
- The pre-school will operate for three hours a day weekday mornings.

**FACTORS TO CONSIDER**

- Existing developed neighborhood bounded by major arterial street.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- A neighbor communication letter in opposition to the project is attached.

**ATTACHMENTS**

1. Area Map
2. Communications
3. Floor plan
4. Previous site plan SP-05-37-07

<b>GENERAL INFORMATION</b>	
Legal Description:	Lot 12, Block 4, Orchards No. 4 Subdivision.
Current Zoning and Land Use:	RS7 (Single-Dwelling, Residential) District; Existing improvements include surface parking lot supporting the existing church and Sunday school use.
Surrounding Zoning and Land:	RS7 (Single-Dwelling, Residential) District to the east and south; existing single-dwelling development.  PUD (Holiday Hills No. 7, Planned Residential Development) to the north; existing single-dwelling development.  PUD (Holiday Hills No. 10, Planned Residential Development) to the west; existing single-dwelling development.  RS10 (Single-Dwelling, Residential) District to the west; existing single-dwelling development.

**ASSOCIATED CASES**

- SP-05-37-07; Site plan for accessory building.
- SP-04-31-86; Site plan for Corpus Christi Church

**Summary of Request**

This request for a Special Use Permit is to permit a Christian pre-school to operate in the existing Christ Community Church which resides in an RS7 (Single-Dwelling, Residential) District. The pre-school would operate for 3 hours weekday mornings. There would be a maximum of 44 children.

**Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))**

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

Applicant's Response: *Yes, the use of the property as a pre-school is consistent with the Development Code.*

The proposed use as a pre-school is allowed (with a Special Use Permit). The site design complies with the Development Code.

**Staff Finding** – The proposed use is allowed in the RS7 District subject to approval of a Special Use Permit. The project, as conditioned, complies with the Development Code.

**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's Response: *Yes. The proposed use will be compatible with the scale, design and characteristics of the existing development. The pre-school will operate for 3 hours weekday*

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*mornings with a maximum of 44 children. There are two existing parking lot exits on Harvard Dr. as well as one on Kasold. Traffic impact is anticipated to be minimal.*

**Staff Finding** – The proposed development is compatible with the adjacent land uses.

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

Applicant's Response: *No. The use is similar to existing activity on Sundays with less cars arriving and departing the site.*

**Staff Finding** – There is no diminution in value of adjacent properties anticipated by this proposed development.

**4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES 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 and no changes to services are being proposed, therefore there is no detrimental impact on public safety, transportation and services.

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

Applicant's Response: *No. No additional buildings or pavement areas are proposed.*

**Staff Finding** – The proposed use will not cause any adverse impacts on the natural environment.

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

Applicant Response: *No. There are no proposed changes that will impact the natural environment.*

**Staff Finding** – The subject property is located within a developed urban neighborhood with no changes to the existing site.

**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 or any other additional hours of operation or service.

**STAFF REVIEW**

The following section of this report addresses the existing physical site development of this property. There are no proposed changes to the existing site for this use.

**A. Site Summary**

Site Summary	Existing	Proposed
Total Area:	306,000	306,000
Building: (SF)	7,300	7,300
Impervious Cover: (SF)	68,779	68,779
Pervious Cover: (SF) percent	237,221 77.53%	237,221 77.53%

**B. Access and Parking**

**Access:**

Two existing driveways provide access to this site from Harvard Road and one existing driveway provides access from Kasold Drive. There are no proposed changes to access with this use.

**On-site Parking:**

This property is improved with a three surface parking lots and access drives. The existing parking lots provide 160 spaces.



**PARKING SUMMARY: 7,300 sq. ft. existing Church**

Use	Parking Requirements	Spaces Required	Spaces Provided
Religious Assembly	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses.		160 spaces
Daycare/Pre-School	*1 per 1.5 employees plus 4 spaces.	4 employess = 3 spaces + 4 = 7 total spaces.	
Total			160 spaces

*\*Parking is currently existing on site for the Church at 160 spaces. No additional parking will be required for the addition of a pre-school during weekday mornings which is not in conflict with the operational hours of services for the church.*

**C. Design Standards**

This project does not propose any changes to the physical site.

**D. Landscaping and Screening**

This project does not propose any changes to the landscaping or screening.

**E. Lighting**

A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting.

**F. Floodplain**

This property is not located within the regulatory floodplain.

**CONCLUSION**

The applicant is seeking land use approval prior to issuance of a change of occupancy or building permit. Additional documentation for a change of occupancy or building permit is required for this use. Following the SUP approval, an application including building/fire prevention plans and documentation shall be submitted to Development Services for approval prior to operation.