

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

GENERAL INFORMATION	
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*

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

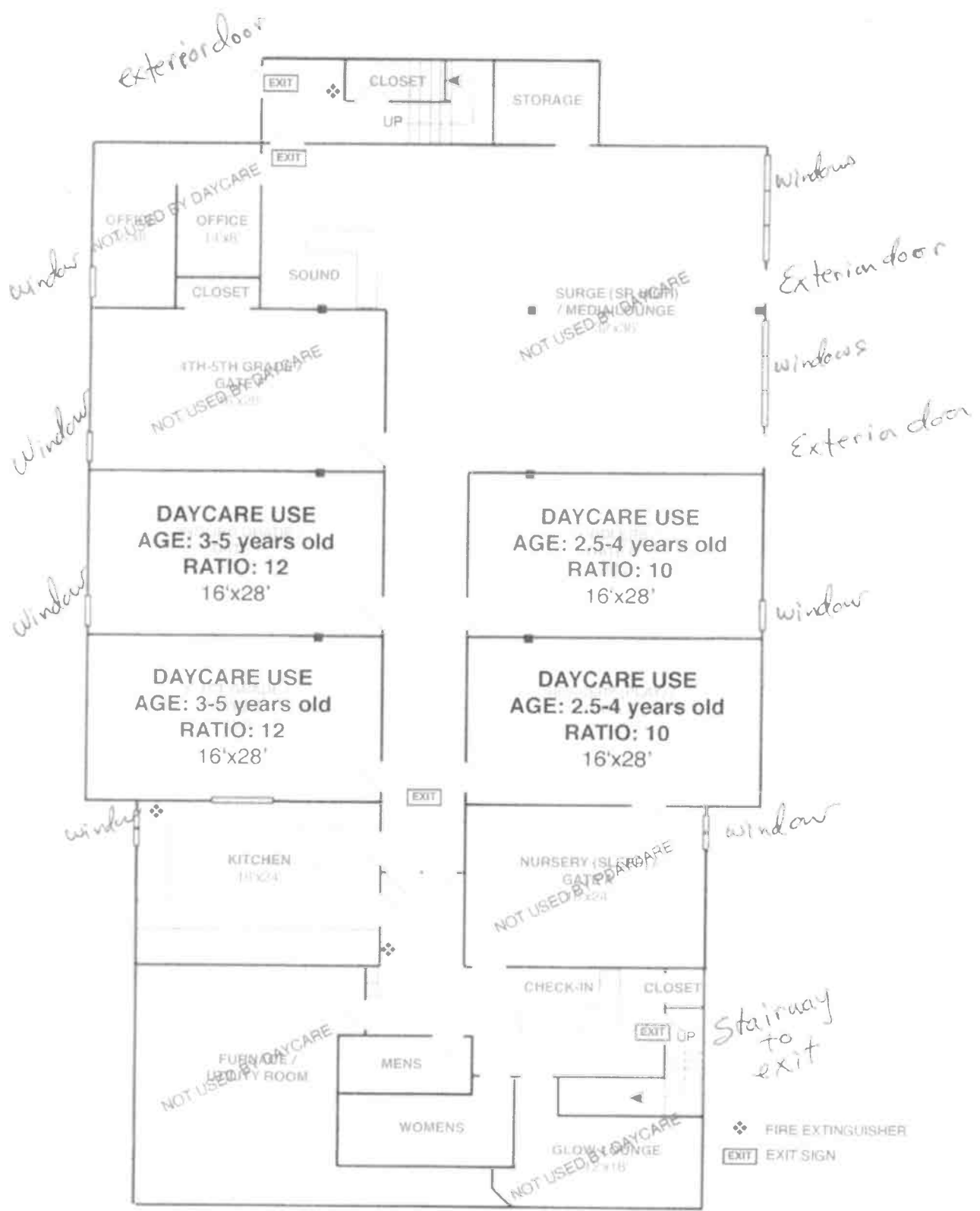
A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting.

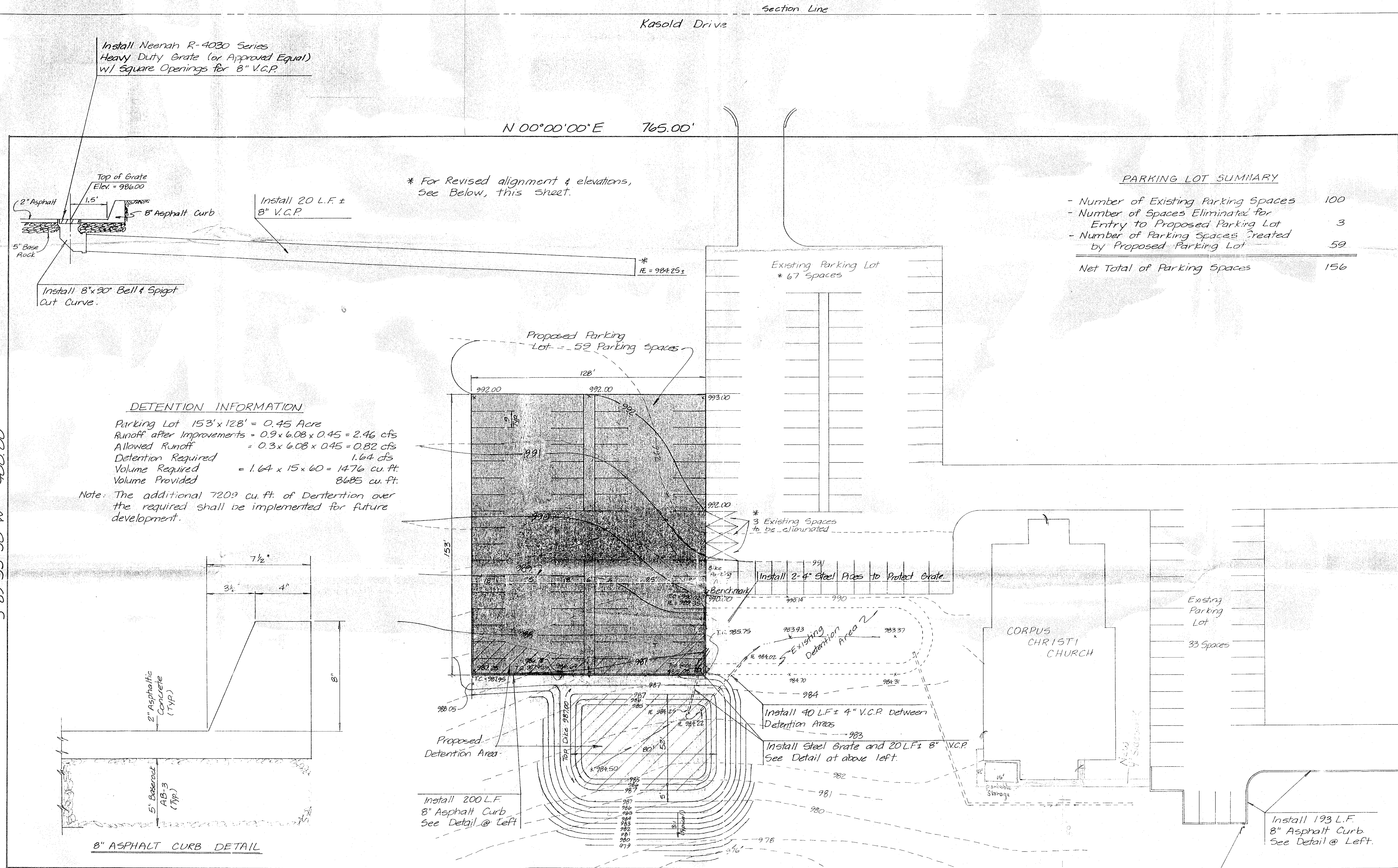
F. Floodplain

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.

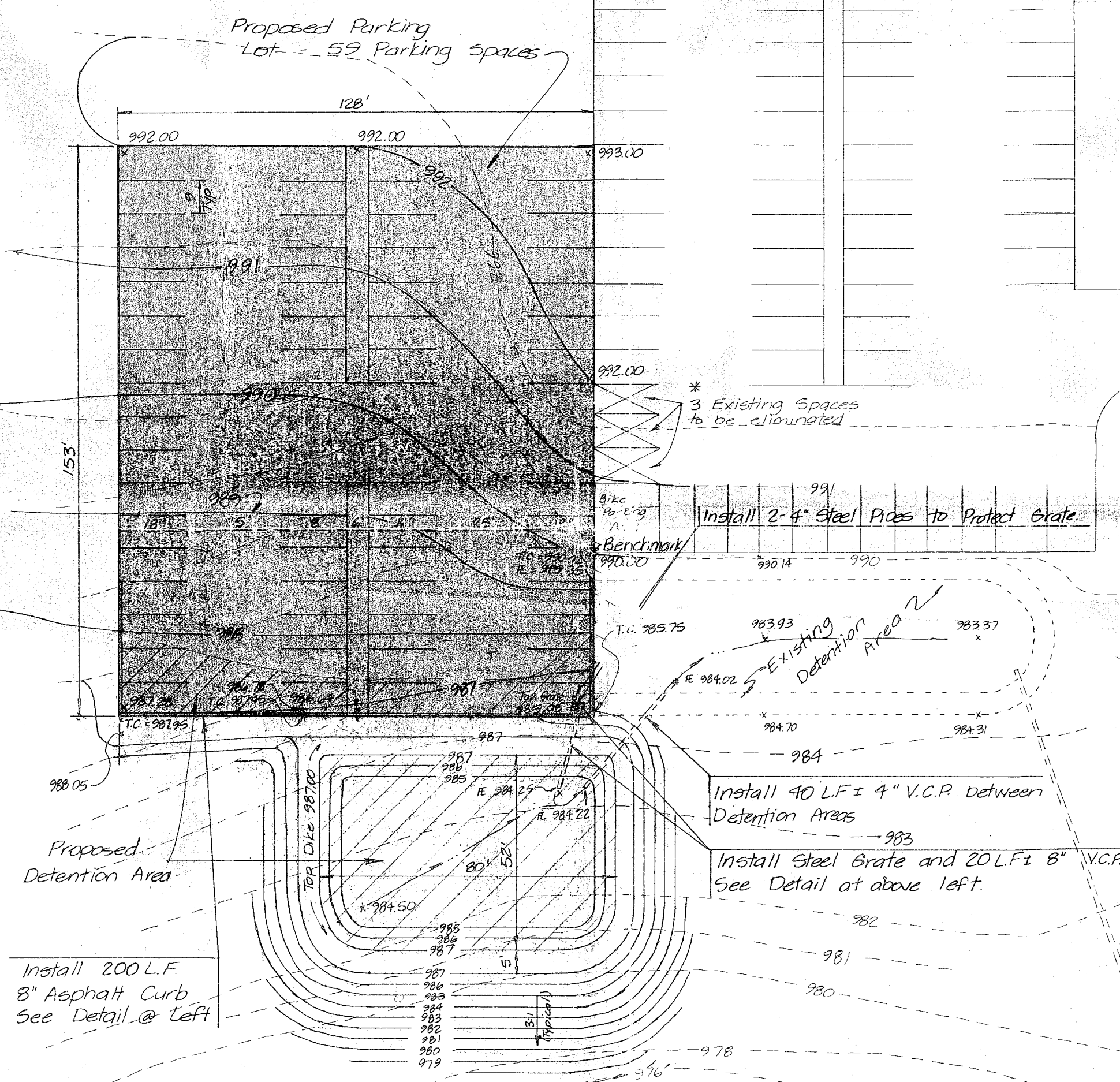
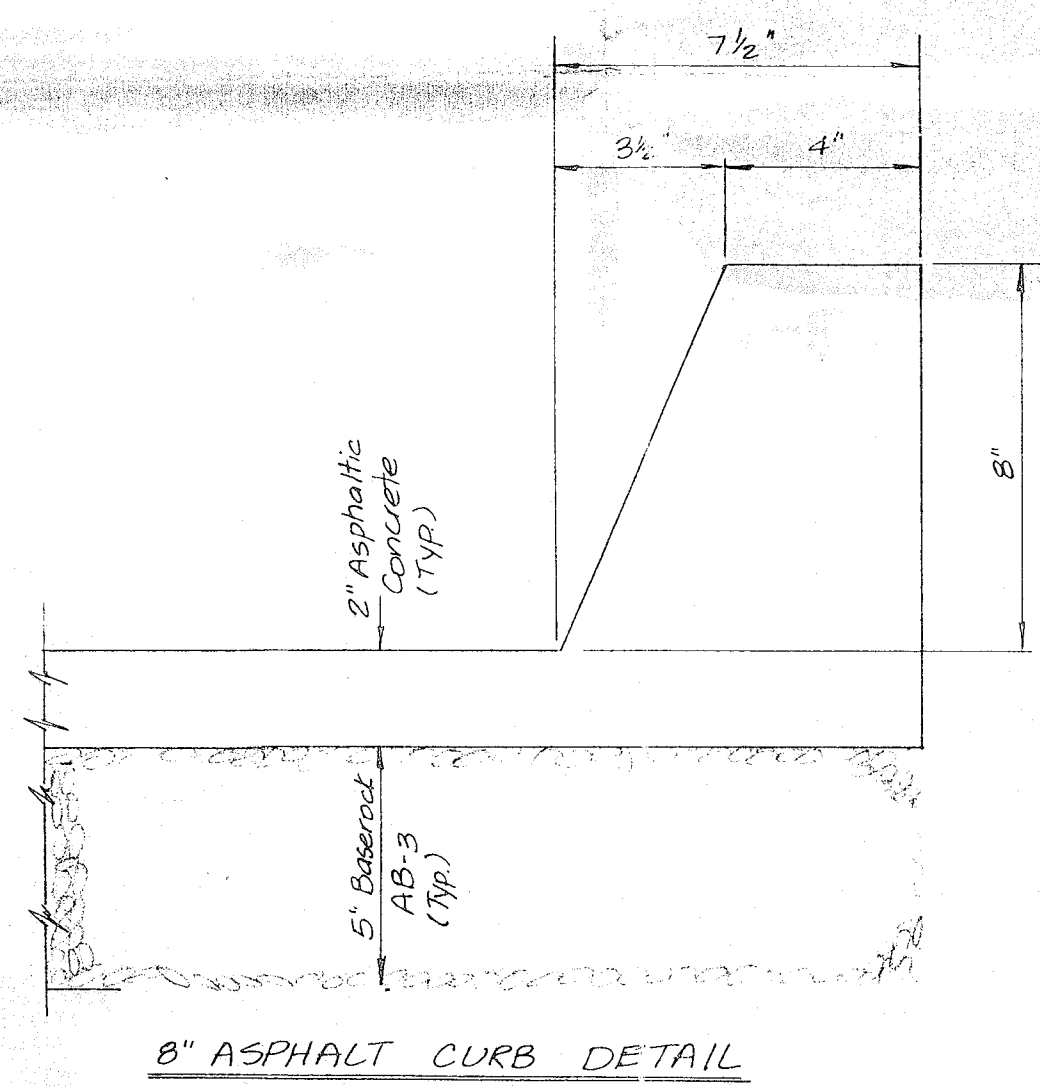




PARKING LOT SUMMARY

- Number of Existing Parking Spaces	100
- Number of Spaces Eliminated for Entry to Proposed Parking Lot	3
- Number of Parking Spaces Created by Proposed Parking Lot	59
Net Total of Parking Spaces	156

DETENTION INFORMATION
Parking Lot 153' x 128' = 0.45 Acre
Runoff after Improvements = $0.9 \times 6.08 \times 0.45 = 2.46$ cfs
Allowed Runoff = $0.3 \times 6.08 \times 0.45 = 0.82$ cfs
Detention Required = 1.64 cfs
Volume Required = $1.64 \times 15 \times 60 = 1476$ cu. ft.
Volume Provided = 8685 cu. ft.
Note: The additional 7209 cu. ft. of Detention over the required shall be implemented for future development.



Install 193 L.F. 8" Asphalt Curb See Detail @ Left.

Install 4" P.V.C. Pipe in Curb.

SITE PLAN APPROVAL
This document has received site plan approval by the City Commission of the City of Lawrence, Kansas, subject to any conditions set forth hereon.
Approved by City Commission on 22 April 1986
Director of Planning
Reviewed by Building Inspector on 1 MAY 1986

Note: All Construction & Materials Shall Conform to the Standard Specifications for State Road and Bridge Construction, Kansas Department of Transportation, 1980 Edition

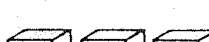
LEGAL DESCRIPTION
Lot 12, Block 4, Orchards No. 4 Subdivision, a Subdivision in the City of Lawrence, Kansas

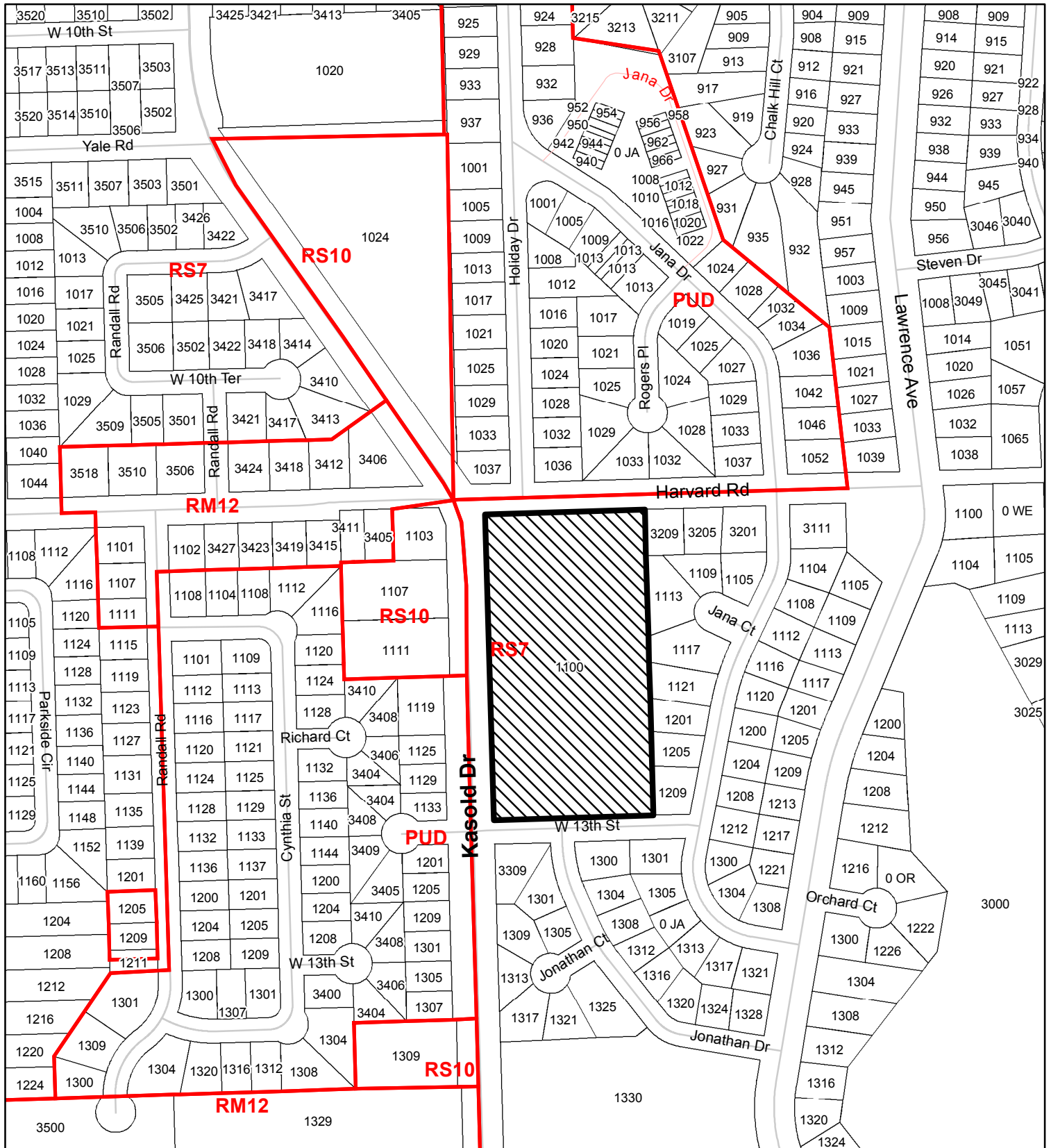
BENCHMARK: Southeast Corner of Existing Parking Lot Pavement Elev. 990.00

Approved & Released
Case No. SP-531-87 Date: 5-31-87
Planner Initials: SLP # of Sheets: 1
Director: _____
Accessory Bldg. Addition

Scale: 1" = 30'
LEGEND
-988- Proposed Parking Lot
-988- Proposed Contour Line
-980- Existing Contour Line


FILE COPY

-17- Portable Storage 20' x 10' B. PRINCE 12 x 6	REVISIONS Revised 4/7/86 Revised 4/30/86 Revised 4/17/87	Revised 4/30/86	
		Parking Lot Improvements for Corpus Christi Parish	
		DATE January, 1986	SHEET NO. 1
JOB NO.		 CONSULTING ENGINEERS EVANS • BIERLY • HUTCHISON & ASSOCIATES GREAT BEND, KS LAWRENCE, KS	OF 1



**SUP-14-00488: Special Use Permit for Precious One's
Learning Center at Christ Community Church
Located at 1100 Kasold Drive**

Lawrence-Douglas County Planning Office
February 2015

 Subject Property



RECEIVED

FEB 09 2015

City County Planning Office
Lawrence, Kansas

February 3, 2015

City of Lawrence
Planning and Development Services
6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

Re: SUP-14-00488: Special use permit for Precious One's Learning Center at Christ Community Church, at 1100 Kasold.

Dear Commission Members,

As neighbors of the entity making this permit request, we do have concerns regarding the plans to have 50 pre-school children housed (Presumably in addition to what they currently host?) across Harvard Ave. from our property.

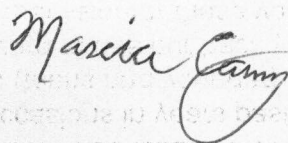
First, although we do not dislike small children, by any means, it will represent a daily increase in area noise. We are not in favor of adding to the current ambient noise level of the neighborhood. In fact, this entity has organized extremely loud music events, on numerous occasions, with no "neighborly notice" to other residents. During these events, traffic has also been an issue due to congestion.

Second, in the past we have had issues with the entity's handling of other youth group activities. On several occasions in years past, we have returned home from errands to find groups of young people (teens and younger), obviously at the church for various youth functions, crossing Harvard to use our back yard as a playground. Each time, it was painfully obvious there was no supervision of these young people and they had been on our property for extended periods with no corrective action from church staff. This places unacceptable liability issues onto the entity's neighbors, and we have no data suggesting supervision of these youths would be any different. At the time of these trespasses, attempts to contact the church never yielded any positive results.

Therefore, we wish to express our negative response to this entity's request for a special use permit (SUP-14-00488). In other words, "we vote a resounding NO" since you are asking for our input.

Sincerely,

Ed and Marcia Carney
1029 Rogers Place
Lawrence, KS 66049



Chuck and Sara Holley
1117 Jana Court
Lawrence, Kansas 66049
February 23, 2015

City of Lawrence
Planning and Development Services
6th and Massachusetts St.
P.O. Box 708
Lawrence, Kansas 66044-0708

Attn: Katherine Simmons
Planner I

Regarding SUP-14-00488 – special use permit for Precious One's Learning Center located at 1100 Kasold Drive:

About 20 years ago, the Corpus Christi Church located at this site was required to construct a drainage pool or basin because of the flooding taking place on the property below. After a heavy rain, drainage of water into the cul-de-sac can still be seen.

Our concern is that with the new construction on this site that the drainage will not be disturbed. We have taken steps over the years to keep the flooding of our property (basement) from occurring. We hope that the drainage from the property at 1100 Kasold Drive will be maintained.

Sincerely,

Chuck and Sara Holley

RECEIVED

FEB 23 2015

City County Planning Office
Lawrence, Kansas