

TAB 7



City of Palmetto Agenda Item

Meeting Date

8/20/12

Presenter: **Department:**

Title:

**Conditional Use Permit CU 2012-04
R & D Academy - Child Care Center
923 4th Street W**

LKC Properties, LLC is the applicant of this Conditional Use (CU) for a child care center located within the Commercial Core (CC) zoning district. The subject property is located on the south side of 4th Street W, east of 10th Avenue W and designated Downtown Commercial Core (DCOM) on the Land Use Plan map. The Zoning nance allows a child care center as a Permitted Use in the GO, CN, CG, CHI and P districts and as a Conditional Use in the CC district. They are also allowed as a Conditional Use in all residential zoning districts.

R & C Academy is in the preliminary stages of acquiring a permit from Florida Department of Children and Families who regulates child care centers. Per Chapter 65C-22 F.A.C., their requirements to operate child care facilities include requirements for application; license; minimum age; ratios; supervision; transportation; planned activities; discipline; access to parents; physical environment both indoors and outdoors; training for child care personnel; health; food and nutrition; records for both children and child care personnel; and care of children during evening hours.

The Department of Children and Families has scheduled an appointment to measure the facility on August 24, 2012 in order to determine the number of children allowed at the facility. That number will be dependent on a variety of factors including the ages of the children, the number of toilet/wash basins, usable indoor floor space and usable outdoor play area.

The City's parking requirements are one parking space per employee and two parking spaces for patron use. The number and ages of the children will determine the number of employees which in turn will determine the number of parking spaces.

The applicant provided a survey of the site showing 12 proposed parking spaces but it does not address how childrent will be dropped off and picked up and is therefore insufficient to meet the site plan requirements of the Conditional Use permit.

Staff recommends that this item be continued until the City Commission's meeting on September 24, 2012 to give the applicant additional time to coordinate with the State and revise the site plan. Susan Chandler, agent for the property owner has agreed to continue the hearing to September 24, 2012.

Budgeted Amount: **Budget Page No(s):** **Available Amount:** **Expenditure Amount:**

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A **Future Land Use Plan**

Potential Motion/Direction Requested:

Staff Contact:

Attachments:

Staff Report
Conditional Use Permit (CU-2012-04)
Child Care Center
923 4th Street W

BACKGROUND

LKC Properties, LLC is the applicant of this Conditional Use (CU) for a child care center located within the Commercial Core (CC) zoning district. The subject property is located on the south side of 4th Street W, east of 10th Avenue W and designated Downtown Commercial Core (DCOM) on the Land Use Plan map.

The City's Zoning Ordinance allows a child care center as a Permitted Use in the GO, CN, CG, CHI and P districts and as a Conditional Use in the CC district. They are also allowed as a Conditional Use in all residential zoning districts.

The Planning and Zoning (P&Z) Board initiated a Zoning Code amendment on August 19, 2010 after discussing whether a child care center should be a permitted or accessory use in the CC zoning district. On September 16, 2010, the P&Z Board recommended that a child care center be a permitted use in CC, and on November 15, 2010, the City Commission approved a child care center as a Conditional Use in the CC zoning district. (Ordinance 2010-12)

ADDRESS/PARCEL ID/SIZE

923 4th Street West/3118500109/0.48 acres

FAR: 0.18.

PROPERTY OWNER

LKC Properties, LLC

The subject property currently has a vacant business office which was previously occupied by Island Yachting Centre. According to the Property Appraiser's website, the property was acquired by LKC Properties, LLC in March, 2011.

PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USE OF SUBJECT PARCEL

DCOMC/CC/vacant business office

PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USES OF SURROUNDING PROPERTIES

1. North: DCOMC/CC/vacant commercial/parking lot
2. South: DCOMC/CC/ multi-family residential
3. East: DCOMC/CC/two/multi/single family residential
4. West: DCOMC/CC/ multi/single family residential and mixed use

Florida Department of Children and Families regulates child care centers. Per Chapter 65C-22 F.A.C., their requirements to operate child care facilities include requirements for application; license; minimum age; ratios; supervision; transportation; planned activities; discipline; access to

parents; physical environment both indoors and outdoors; training for child care personnel; health; food and nutrition; records for both children and child care personnel; and care of children during evening hours. The State will determine the number of children allowed as part of its licensing process.

PLAN & ZONING COMPLIANCE

The City’s Future Land Use Element defines *Residential Support Uses* as - Uses which complement and support residential uses such as child care centers, adult care centers, schools and churches. Residential Support Uses are permitted in all residential plan categories of the City’s Plan.

The Plan indicates that the purpose of the Downtown Commercial Core (DCOMC) is to encourage and maintain the development and redevelopment of Palmetto’s central core as the principal governmental, financial, commercial and entertainment center through continued improvement in its accessibility, appearance, utilization, and facilities. The character of the downtown area includes a mix of commercial, residential and public land uses designed in a compact, pedestrian oriented environment which serves as the primary activity center of the city.

The City’s Zoning Code defines child care center as:

Any establishment that provides on a regular basis supervision and care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives a payment, fee or grant for any of the children receiving care and whether or not operated for profit, except that the following are not included: public school and nonpublic schools which are in compliance with the compulsory school attendance law, Florida Statutes; summer camps having children in full-time residence; summer day camps; and other schools programs normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

The Zoning Code requires at least one parking space for each nonresident employee and two spaces for patron use.

Child care centers are necessary services along with housing and transportation, schools, parks, and other services families need to thrive in a community; they contribute to the local economy by supporting parents and local employers. Most parents prefer that their children be in facilities close to home. However, child care centers are often times subject to additional assessment because they are considered commercial land uses, resulting in higher cost and greater inconvenience for neighborhood residents. (Source: American Planning Association)

REQUESTED APPROVAL

The following standards shall apply to all applications for Conditional Use permits pursuant to Sec. 15.4 (C) of the Zoning Ordinance.

1. Purpose and Intent: The Comprehensive Plan

The proposed use shall be consistent with the stated purpose and intent of the applicable zoning district regulations and this ordinance, and consistent with the Comprehensive Plan.

This Conditional Use proposal for a child care center may be considered in the CC zoning

district as outlined in Sec. 4.2, the Use Table of the City's zoning ordinance. The Conditional Use permit provides for review of a subject site to determine whether or not it is appropriate for a child care center recognizing that the downtown core serves as the principal governmental, financial, commercial and entertainment center of the City. The proposed child care center will occupy a vacant office structure.

2. Applicable district regulations

The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

A child care center is permitted in all commercial districts within the City except the CC zoning district which requires a Conditional Use permit. The subject property meets the minimum lot size (15,000 sq. ft.) and width (100') and appears to meet the setback requirements of the CC zoning district. The existing FAR is 0.18.

3. Compatibility

The proposal shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.

The subject property is located along 4th St. W which is developed with a mixture of residential and business uses designated DCOMC on the Plan. The proposed child care center is not likely to have an adverse effect on lighting, appearance, or surrounding property values; however depending on the capacity, it could increase traffic in the area. The business across 4th Street W from the subject property is currently vacant.

4. Environment

The site shall be environmentally suitable for the proposed use and such use shall not have a substantial adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality shall be among the factors considered in this regard.

There is an existing structure on the subject property that was built in 1951. The conditional use application for a child care center is not expected to have a substantial adverse impact on the natural environment.

5. Orderly development

The proposal shall be consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns and energy conservation.

This CU application is for a child care center to occupy an existing structure built many years ago within the downtown area, an established part of the City.

6. Public facilities and services

Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation and similar facilities and services shall be adequate to serve the proposed use.

The subject property is served by City water and sewer.

7. Traffic

The proposal shall not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.

There are no Level of Service (LOS) figures for 4th Street W; however, 8th Avenue W, between Riverside Drive and 7th Street is operating at a level of service C.

Screening and buffering

The proposal shall include screening and buffering as necessary to minimize adverse impacts on surrounding land uses.

The subject property is fenced on all sides and its driveway/entrance is located adjacent to the eastern property line.

8. Signs; lighting

Signs and outdoor lighting which may be involved in the proposal shall be designed to ensure that the use harmoniously fits into its surrounding.

Signs are not proposed for the subject property at the conditional use application stage.

ANALYSIS

The City's Plan provides for residential support uses, including child care centers in all residential plan categories to help support the viability of neighborhoods. These uses are allowed in all residential zoning districts as a conditional use to insure compatibility with residential uses and the affected neighborhoods. Child care centers are permitted in the Public (P) zoning district which are typically associated with churches and schools.

The intent of the CU review is to insure that the location, intensity and scale of the child care facility is compatible with the surrounding land uses and zoning and will not adversely affect the character of the existing development in the area. The proposed child care use will occupy a vacant business office within an established part of City served by a grid pattern of streets. The subject property is centrally located and accessible to several surrounding neighborhoods and employment centers within the Downtown Commercial Core land use category.

Staff's analysis for a CU permit is based on the requirements of the Zoning Code as it relates to the proposed child care use on the subject property. Upon approval of a CU permit, the subject site will have to comply with Florida Department of Children and Families requirements for a day care license including the provision of a playground and the maximum number of children permitted; North River Fire Department's (NRFD) requirements and the Florida Building Code in order to convert the existing office building to a child care center. The maximum number of children allowed will also determine the required parking spaces which is dependent on the number of child care center employees.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed conditional use permit for a child care center with the following conditions:

1. The child care center shall meet the parking requirements of Zoning Ordinance;

2. The child care center shall provide a safe and orderly drop off and pick up point for children attending this facility;
3. If the child care center provides an outdoor play area adjacent to residential uses, its use as an outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board held its public hearing on August 9, 2012 and recommended **APPROVAL WITH CONDITIONS** of the proposed conditional use permit subject to staff's recommendations above.

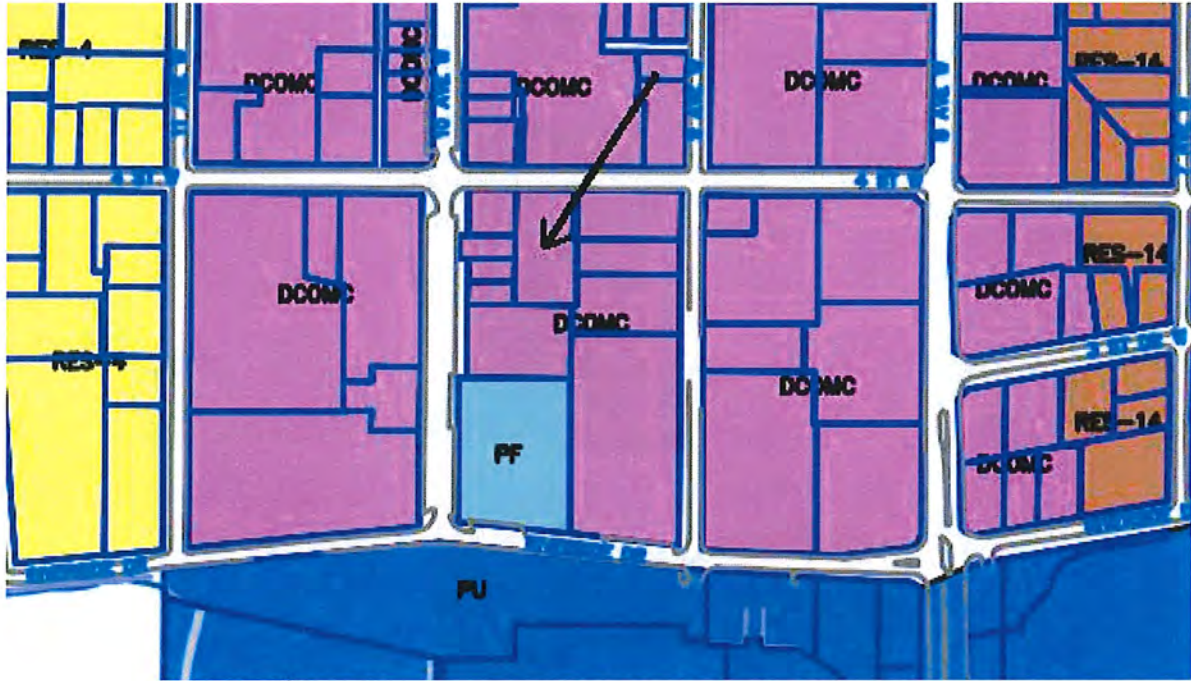
CITY COMMISSION

The City Commission shall **CONTINUE** the public hearing on Conditional Use 2012-04 until September 24, 2012 at 7 P.M.

AERIAL PHOTO
Conditional Use Permit (CU-2012-04)
R&D Academy - Child Care Center
923 4th Street W

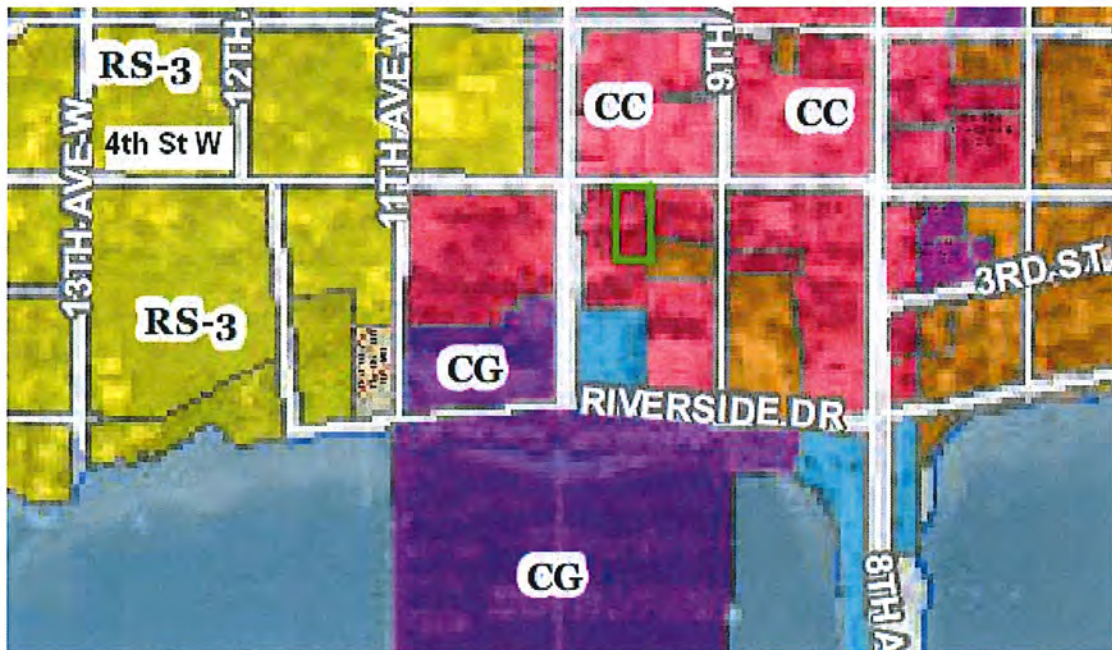


FUTURE LAND USE PLAN MAP
Conditional Use Permit (CU-2012-04)
R&D Academy - Child Care Center
923 4th Street W



923 4th St W = Downtown Commercial Core (DCOMC)

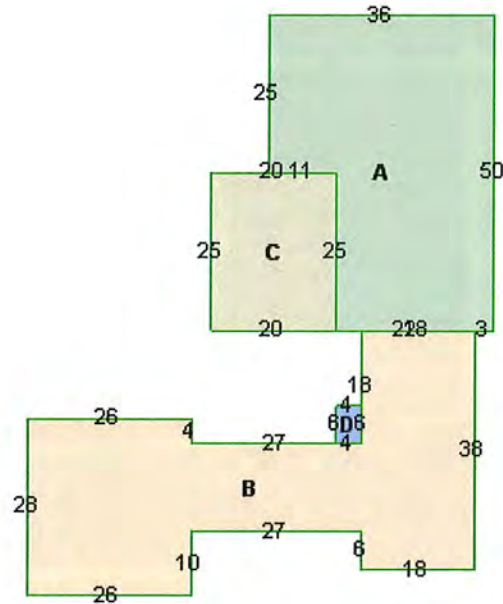
ZONING MAP



923 4th St W = Commercial Core (CC)

Property Appraiser's Sketch of Building

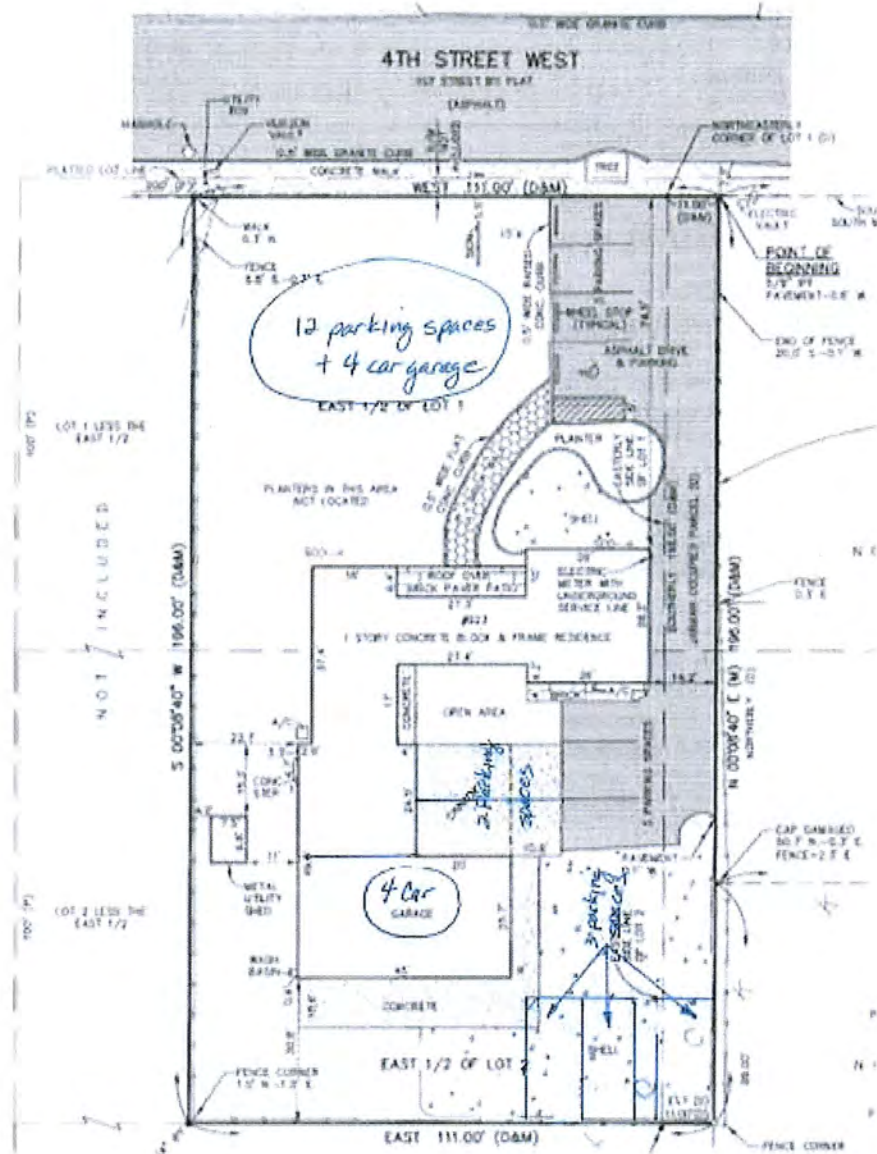
**Conditional Use Permit (CU-2012-04)
R&D Academy - Child Care Center
923 4th Street W**



Legend

- A** GARAGE 50 PCT, 1525 sq. ft
- B** OFFICE BUILDING, 1790 sq. ft
- C** CARPORT, 500 sq. ft
- D** PORCH COVERED, 24 sq. ft

SITE PLAN SHOWING PARKING



**MINUTES
PLANNING AND ZONING BOARD
AUGUST 9, 2012**

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair absent
JAMES PASTOR, Vice Chair absent
LEON KOTECKI

JON MOORE
CHARLIE UGARTE

LKC Properties, LLC Project CU-2012-04

This is a request for a Conditional Use Permit Application (CU2012-04) by LKC Properties, LLC, located at 923 4th Street W. for a child care center within the Commercial Core (CC) zoning district.

Ms. Lyn indicated that the conditional use permit application is for a child care center at 923 4th Street West on property owned by LKC Properties. It is proposed in a vacant building that was occupied by Island Yachting Centre.

She described the surrounding land uses and indicated that FDCF (Florida Department of Children and Families) regulates child care facilities and will require a playground. The State will determine the number of children allowed as part of its licensing process. The applicant has applied for a permit but has not received it.

She explained that a child care center is permitted in all commercial districts within the City except the CC zoning district which requires a Conditional Use permit. Child care centers are a necessity in the community and the existing FAR of the proposed site is 0.18. She stated that parking will be the critical criterion of this application as the Code requires one parking space per employee and two parking spaces for patron use. The number of children will determine the number of employees which in turn will determine the number of parking spaces. She believes the site is appropriate in the downtown core and recommends the following conditions:

1. The child care center shall meet the parking requirements of Zoning Ordinance.
2. The child care center shall provide a safe and orderly drop off and pick up point for children attending this facility
3. If the child care center provides an outdoor play area adjacent to the residential uses, its use as an outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

MR. UGARTE OPENED THE PUBLIC HEARING

Ms. Higdon discussed parking spaces with the Board. There are currently twelve parking spaces and she expected a minimum of ten employees. However, she estimated that the maximum employees that would be there at any given period would be six. She stated that they anticipated seventy two children and the required staff would be determined by the age range of the children. For example twelve infants would require three staff members, fifteen three year olds would require one staff member and twenty four years olds require one staff member.

Mr. Kotecki asked how they anticipated the delivery and pick up of the children.

Ms. Fredrick, Director of the child care center spoke to the delivery and pick up of the children. She indicated that drop off and pick up times would be staggered and most parents had multiple children. They anticipated using the side door for pickup and delivery as per the site plan unless it needed to be

changed. The Board discussed a possible circular drive, parallel parking on the street with possible pickup and delivery and fencing playground area being mandated by the State.

Mr. Ugarte asked Ms. Lyn if the drop could be at the street with parallel parking or should there be a circular drive. She replied that she thought the circular would be necessary because of the number of children and that if the Board feels that street drop off/pick up was adequate then the Board could make that recommendation. Mr. Ugarte requested that this technical item be handled/determined by staff.

Mr. Kotecki asked if this is approved as a child care center then proceeded to State for the license; Fire Department; Health Department, etc., does the Board get to review the site plan again?

Mr. Rudacille said that the Board could ask to see the plan again or it could be moved on to the commission meeting with recommendation for staff approval of the site plan.

Mr. Kotecki said he visited the site and inquired about the fencing, sprinkle systems and contents of the garage.

Susan Chandler representing LKC Properties, LLC questioned how the City is currently handling delivery and drop off of other day care centers in the area. She would like the Board to approve the Conditional Use today and the owners would be happy to come back with a revised site plan as they are open to any design change suggestions required by the City.

Discussion continued regarding the safety of the drop off location; being on the street versus parking lot/driveway.

Ms. Higdon stated that the State mandates that the parent walk the child into the day care center and sign them in and the same procedure is required when the children are picked up. The parent must park and get out of their vehicle to sign for their children and it is at that point the children are released to their parent.

MR. UGARTE CLOSED THE PUBLIC HEARING

Mr. Moore motioned to approve CU-2012-04 the request by LKC Properties, LLC with the following recommendations:

1. The child care center shall meet the parking requirements of Zoning Ordinance.
2. The child care center shall provide a safe and orderly drop off and pick up point for children attending this facility
3. If the child care center provides an outdoor play area adjacent to the residential uses, its use as an outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Mr. Kotecki seconded. **MOTION CARRIED UNANIMOUSLY.**