

TAB 3



City of Palmetto Agenda Item

Meeting Date

10/1/12

Presenter: Lorraine Lyn

Department: Public Works

Title:

**Conditional Use Permit CU 2012-04
R & D Academy - Child Care Center
923 4th Street W
Continued from August 20, 2012 & September 24, 2012**

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 CRA Director indicated that there may be downtown core design incentives available to the applicant related to parking and fencing.

At the public hearing on September 24, 2012, the City Commission had concerns about parking on the subject property given the substandard driveway and related constraints. They indicated that there should be no parking on 4th Street W since it is only 22' wide. The hearing was continued to allow the applicant time to develop a site plan showing a circular drive in the front yard for pick-up and drop-off that would be constructed within a year of the Commission's action. The applicant's agent met with the City's traffic engineer at a Staff Development Review meeting on September 25, 2012.

The State is allowing 35 children based on the size of each classroom within the facility. A total of 7 employees was determined by the State's "staff to children" ratio guidelines. The applicant is proposing a ratio of 1:5. Florida Department of Children and Families regulates child care centers per Chapter 65C-22 F.A.C. The City's parking requirements are one parking space per employee and two parking spaces for patron use.

Staff supports a child care center with a maximum of 35 children and 7 employees subject to a site plan showing an acceptable drop-off and pick-up area in the front of the building and the provision of a dumpster pad.

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

1. The child care center shall be limited to 35 children and 7 employees;
2. The applicant shall insure the safe and orderly drop-off and pick-up of children in a manner which prevents disruptive stacking of vehicles on 4th Street W;
3. The outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Budgeted Amount:	\$0.00	Budget Page No(s):		Available Amount:	\$0.00	Expenditure Amount:	\$0.00
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Additional Budgetary Information:

Funding Source(s):	<input type="text"/>	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	<input type="text"/>
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City Attorney Reviewed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Future Land Use Plan	<input type="text"/>
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Potential Motion/Direction Requested: Based upon the staff report and evidence presented at the hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances, I move to approve the Conditional Use permit for a child care center on the subject property with the attached Site Plan with Conditions.

Staff Contact:	Lorraine Lyn	City Planner	723-4580 Ext. 135
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Attachments: Staff report

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.

Since the City Commission's last public hearing on August 20, 2012, the applicant indicated that the State is allowing 35 children based on the size of each classroom within the facility. A total of 7 employees was determined by the State's "staff to children" ratio guidelines below:

- 1:4 (infants – under 1 year olds)
- 1:6 (toddlers – 1 year olds)
- 1:11 (2 year olds)
- 1:15 (3 year olds)
- 1:20 (4 year olds)

The applicant also provided a site plan showing 9 parking spaces and one handicapped space, consistent with the City's parking requirements. The site plan also shows a fenced in playground/recreation area in the south/southwestern corner of the site in accordance with the State's separation guidelines between the playground and the parking/driveway running along the eastern border of the property.

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. To operate child care facilities, the State requires application for 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 determines 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. The proposed child care center is a support use for the downtown area which serves as the principal governmental, financial, commercial and entertainment center of the City. The proposed child care center will also occupy a vacant office structure in an area with under-utilized buildings.

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. A moderate increase in traffic on 4th Street W can be expected with the proposed 35 children. 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 proposed 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 a mixed use area of the downtown core, 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 three sides except the frontage 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 with underutilized buildings, 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 within an existing, vacant structure and the provision of required parking. Besides a CU permit, the subject site will have to comply with all Florida Department of

Children and Families’ requirements, North River Fire Department’s (NRFD) requirements and the Florida Building Code to convert the existing office building into a child care center.

STAFF RECOMMENDATION:

Staff supports a maximum of 35 children and 7 employees because the proposed site plan meets the Code’s parking requirements with 4 parking spaces for drop-off and pick-up at the entrance which should limit parking along 4th Street W. These maximum numbers assume that the facility will be full at all times and there are other related factors which could reduce traffic including staggered drop-off/pick-up times, more than one child in a family and other variables relating to family vacations and illnesses. According to the 2003 US General Services Administration’s “Child Care Center Design Guide”, the average time for loading and unloading is 7 minutes.

Besides meeting parking requirements, the proposed child care center will reuse of an existing structure with a 0.18 FAR in an established area with underutilized buildings. Staff recommends approval of the proposed conditional use permit for a child care center with the following conditions:

1. The child care center shall be limited to 35 children and 7 employees;
2. The applicant shall insure the safe and orderly drop-off and pick-up of children in a manner which prevents disruptive stacking of vehicles on 4th Street W;
3. The outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

PLANNING AND ZONING BOARD RECOMMENDATION:

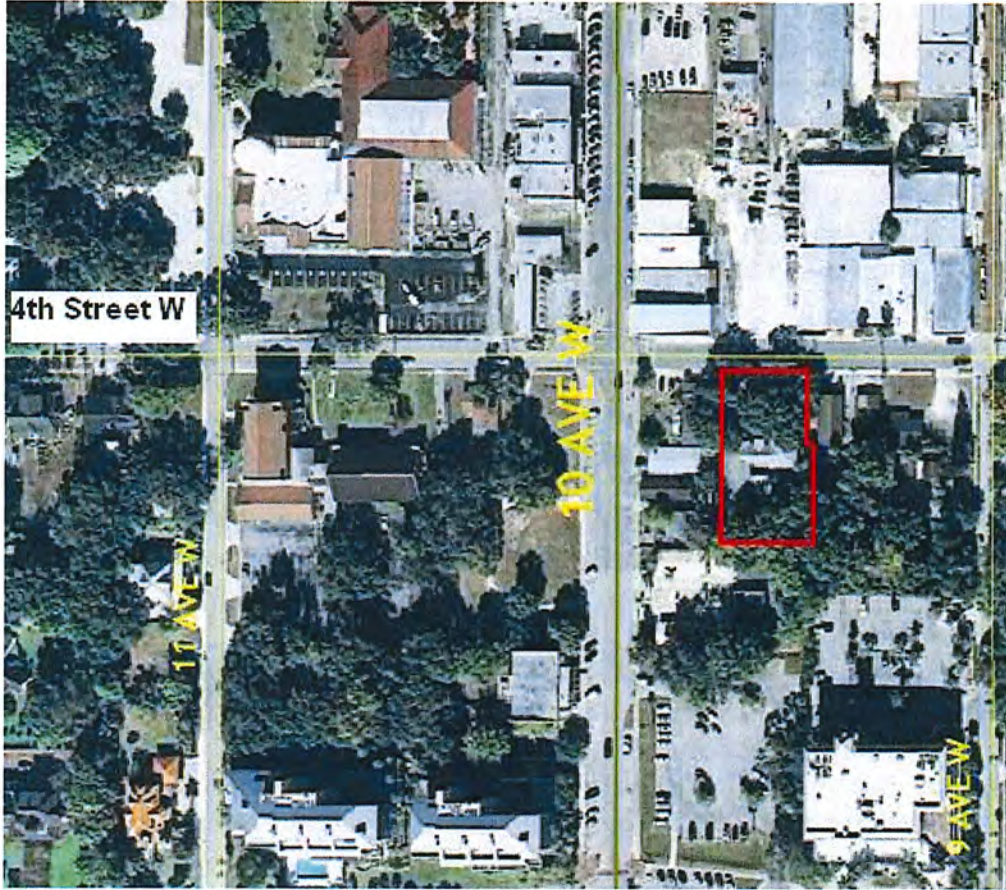
The Planning and Zoning Board held its public hearing on August 9, 2012 and recommended **APPROVAL WITH CONDITIONS** of the proposed conditional use permit subject to the following recommendations:

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 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.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

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

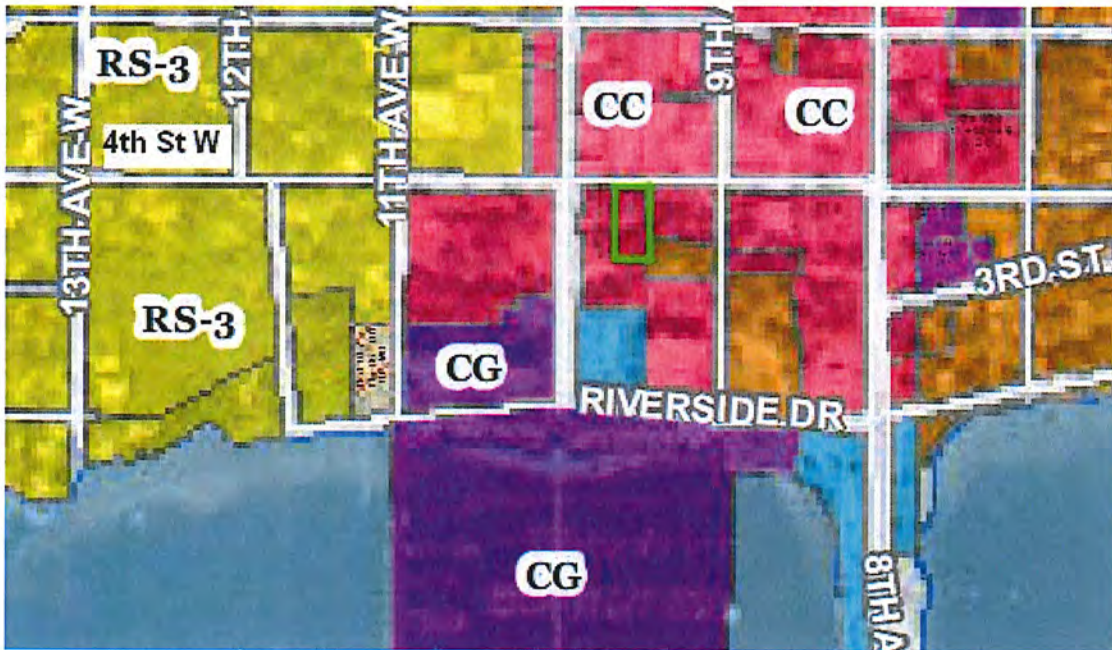


FUTURE LAND USE PLAN MAP
Conditional Use Permit (CU-2012-04)
R&D Academy - Child Care Center
923 4th Street W



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

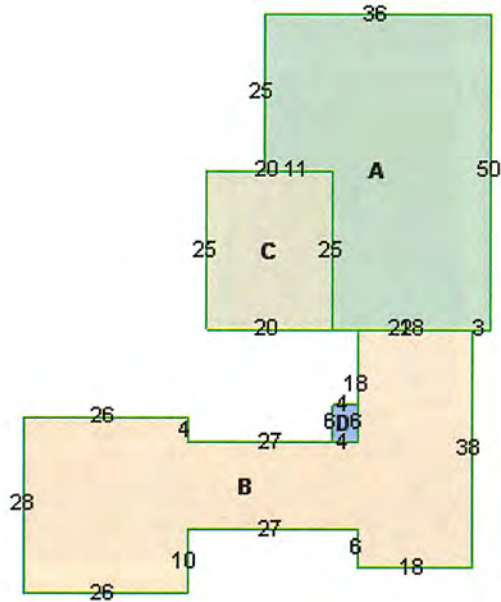
ZONING MAP



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

**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.

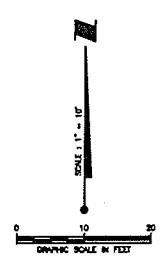
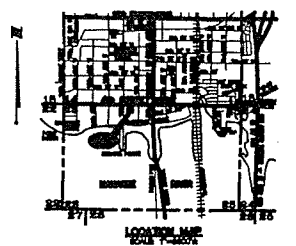
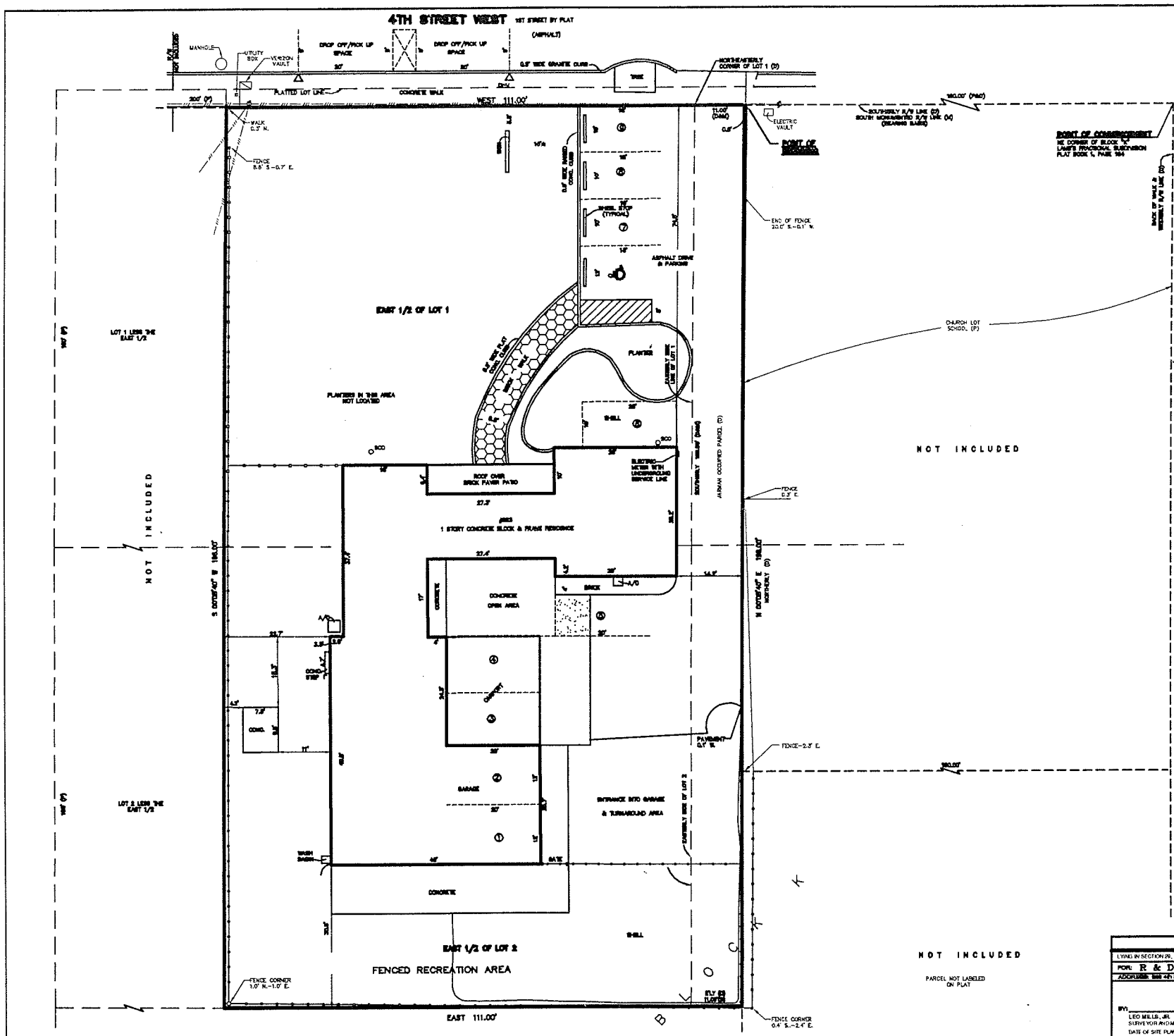
Ms. Higdon stated that the State mandates that the parent walk the child into the day care center and sign them in and the same procedure is required when the children are picked up. The parent must park and get out of their vehicle to sign for their children and it is at that point the children are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



DESCRIPTION
 THE EAST 1/2 OF LOTS 1 AND 2, BLOCK 2, LANE'S FRACTIONAL SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 184, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

JARJAH OCCUPIED PARCEL:
 BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH STREET WEST AND THE WESTERLY RIGHT-OF-WAY LINE OF 9TH AVENUE WEST, SAID POINT BEING THE NORTHEAST CORNER OF BLOCK 1, OF A PLAT ENTITLED, LANE'S FRACTIONAL SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 184 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH STREET WEST, 1100 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH STREET WEST, 1100 FEET TO THE NORTHEAST CORNER OF LOT 1 ON THE AFFOREMENTED FILED PLAT THENCE LEAVING THE RIGHT-OF-WAY LINE OF 4TH STREET WEST AND RUNNING SOUTHERLY ALONG THE EASTERLY BOUNDARY OF LOTS 1 & 2 ON SAID PLAT, 1100 FEET TO A POINT, THENCE EASTERLY AND PARALLEL, 1100 FEET FROM THE SOUTH RIGHT-OF-WAY LINE OF 4TH STREET WEST, 1100 FEET THENCE NORTHERLY AND PARALLEL, 1100 FEET FROM THE WESTERLY RIGHT-OF-WAY LINE OF 9TH AVENUE WEST, 1100 FEET TO THE POINT OF BEGINNING.

- NOTES**
1. BEARINGS SHOWN HEREON REFER TO THE SOUTH RIGHT-OF-WAY LINE OF 4TH STREET WEST BEING ASSUMED AS "WEST".
 2. THE SUBJECT LAND LIES IN ZONES "C" AND "D" OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY-PANEL NUMBER 12048R 0001 C (MAP DATED 11-18-83). SUBJECT TO MUNICIPAL ORDINANCES.
 3. SUBJECT TO EASEMENTS, DEDICATIONS AND RESTRICTIONS OF RECORD.
 4. THE DESCRIPTION SHOWN HEREON WAS OBTAINED FROM THE SPECIAL WARRANTY DEED AS RECORDED IN OFFICIAL RECORD BOOK 8374, PAGE 0907, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
 5. THE SUBJECT LAND AS SURVEYED CONTAINS 21,708 SQUARE FEET OR CLOSURE, MORE OR LESS.
 6. SUBJECT TO RIGHT-OF-WAY FOR 4TH STREET WEST.
 7. THE MANATEE COUNTY PROPERTY APPRAISER'S PARCEL IDENTIFICATION NUMBER FOR THIS PARCEL IS 2118L0010/S.
 8. THE PARCEL IS DESIGNATED TO PROVIDE ON-SITE PARKING FOR SEVEN EMPLOYEES WITH TWO ADDITIONAL SPACES AND ONE HANDICAPPED SPACE. TWO SPACES FOR CURBSIDE DROP-OFF AND PICKUP ARE ALSO PROVIDED.
 9. NUMBER OF PARKING SPACES PROVIDED MEETS THE REQUIREMENTS FOR PARKING IN THE CITY OF PALM BAY BASED ON THE NUMBER OF EMPLOYEES. ADDITIONAL EMPLOYEES, IF ADDED WILL REQUIRE A REVISION TO THE DESIGN SHOWN.

LEGEND

R/W	= RIGHT-OF-WAY
A/D	= AIR CONDITIONER
—	= CURB-LINE FENCE
—	= FENCE
PH	= PLY-WOODS-COLORS
—	= OVERHEAD UTILITY LINES
—	= CONCRETE UTILITY POLE
□	= PARADES PARKING SPACE
○	= MANHOLE
■	= CONCRETE
□	= BRICK
□	= BRICK PAVEMENT
□	= BRICK
△	= SIGN (DROP OFF/PICKUP AREA TO INDICATE PARKING)
○	= PARKING SPACE NUMBER

SITE PLAN	
LINES IN SECTION 28, TOWNSHIP 24 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA	
FOR: R & D ACADEMY	
ADDRESS: 284 4TH STREET WEST, PALM BAY, FLORIDA	
BY: LEO MILLS, JR., REGISTERED STATE OF FLORIDA PROFESSIONAL SURVEYOR (LICENSE NUMBER: 2013)	THIS SURVEY REPORT IS PROVIDED IN HARD COPY FORMAT ONLY. ALL GRAPHIC AND TEXT DATA IS COPYRIGHT © 2013.
DATE OF SITE PLAN: 08-15-13	DATE: 08-15-13
SCALE: 1" = 10'	SCALE: 1" = 10'

Leo Mills & Associates, Inc.	
REGISTERED PROFESSIONAL SURVEYOR	
1000 W. PALM BEACH AVENUE, SUITE 100, PALM BEACH, FLORIDA 33480	
TEL: 561-855-1100 FAX: 561-855-1101	
WWW.LEOMILLS.COM	
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CHECKED BY:	LM
DATE:	08-15-13
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