

## **Memorandum**

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** April 1, 2011  
**Re:** Staff Report for Our Lady of Perpetual Help – Special Use Permit (Day Care Facility)

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**Item #2 – Our Lady of Perpetual Help – Special Use Permit (Day Care Facility)**  
**(PID# 201102280002)**

**Application:** Special Use Permit  
**Location:** 3764-68 Broadway  
**Applicant:** **Kevin Radwanski, Our Lady of Perpetual Help**  
**Zoning:** C-1 (Service Commercial)  
**Use:** Day Care Facility

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is proposing to operate the Our Lady of Perpetual Help Preschool at 3764-68 Broadway, previously located at 3730 Broadway. The program offers a morning class from 8:15am to 11:15am of three and four year old children and an afternoon class from 12:15pm to 2:15pm for five year olds. The largest class currently consists of 11 children, with two employees. Classes are held Monday through Friday.

The applicant is also proposing an outdoor play area as part of the day care facility. The play area will be enclosed by a six foot black decorative fence and will be accessed from the main structure with an exit gate in the rear.

Additional improvements are being made to the site to improve the flow of traffic, including installing a connecting driveway to the existing entry drive of Our Lady of Perpetual Help and removing one of the two existing curb cuts on Broadway. These improvements are being reviewed administratively by the Building Division.

## **Code Analysis:**

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

**Standard is Met:** The proposed day care facility does not change the intended character of the district.

2. *The proposed use shall not adversely affect the use of adjacent property;*

**Standard is Met:** The proposed day care facility will not affect the use of adjacent property.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

**Standard is Met:** The proposed day care facility will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

**Standard is Met:** The proposed day care facility will not place any further demand on public services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

**Standard is Met:** The proposed day care facility will not impose a significantly different impact on the right-of-way. Additional improvements to the site are being reviewed by the Building Division to reconfigure the site to improve the flow of traffic over the site.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

**Standard is Met:** The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

**Standard is Met:** The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

**Standard is Met:** The site is located in the C-1 district, in which day car facilities are permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

**Standard is Met:** The applicant properly submitted a completed application.

**Recommendation(s):**

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit as submitted.