

## **Memorandum**

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** November 4, 2011  
**Re:** Staff Report for Daystarz Child Care Center – Special Use Permit (Day Care Facility)

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**Item #1 – Daystarz Child Care Center – Special Use Permit (Day Care Facility)  
(PID# 201109130028)**

**Application:** Special Use Permit  
**Location:** 3946 Broadway  
**Applicant:** Donyette Dunlap  
**Zoning:** CBD  
**Use:** Day Care Facility

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is proposing to operate a child care facility at 3946 Broadway, part of a multi-tenant structure in the Town Center. The facility will offer child care services for infant, toddler, preschool and school-age children from 6 weeks to 10 years of age and will operate from 6:00am to 6:00pm Monday through Friday. The applicant has indicated that 40 children will be able to be cared for on the site in four classrooms, and seven staff members will be employed (six teachers and one director).

There is no parking available on the site; therefore the applicant is proposing to utilize the properties to the south (040-000207 and 040-000603) for the pick-up and drop-off of children, as well as for staff and customer parking. The applicant has submitted a signed agreement with the adjacent land owner to use their parking facilities to accommodate customer and employee parking. Section 1135.12(c) states that parking requirements in the CBD can be met by offsite parking facilities, other than using public streets, if suitable proof of the long terms availability of such offsite parking is presented to the Planning Commission. Staff feels that the use of the parking on the property to the south, as well as the public parking lot across Columbus Street, provides adequate parking for the proposed use. Furthermore, because the lot across Columbus Street is a publicly-owned lot, staff is confident in the long term availability of parking at this location.

The applicant is also proposing an outdoor play area as part of the child care facility. The play area will be approximately 20'x30' and will contain state approved playground toys and other small outdoor toys. The applicant is proposing to enclose the play area with wood fencing, though details on this fence have not been provided to staff. In order to match fencing utilized at other child care facilities in the HPA, staff recommends utilizing decorative black metal fencing. The proposed play area is located on an adjacent property (040-000866); however the applicant has submitted an agreement with the owner of this property stating that the use of the property for a gated play area is acceptable.

### **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 use will be in harmony with the intended character of the district by adding to the unique mix of uses in the Town Center and providing a service to area residents, thus increasing pedestrian activity in the area. These themes are outlined in the Town Center Plan as being important to maintaining the character of the district.

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

**Standard is Met:** Although the proposed use utilizes the properties directly to the south, the applicant has obtained a signed letter of agreement with the owner of these properties that their use of the site for traffic circulation and parking is acceptable. The same agreement states that the use of adjacent property for the installation of a play area is acceptable; therefore staff does not believe that the proposed use will adversely affect the use of adjacent property, as the owner of adjacent property has agreed to all proposed improvements and potential effects associated with the project.

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:** Staff feels that, provided that adequate safety measures are taken in the design of the interior of the structure and by staff on site to ensure the safety of children, the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood, or potential customers on the site.

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:** Although the proposed child care center will likely generate a steady amount of traffic particularly during typical drop-off and pick-up times for children, staff does not feel that the impact on the right-of-way will be different from other permitted uses of the district. The CBD allows for uses permitted in PSO, C-1 and C-2 districts.

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 CBD district, in which day care 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 with the following stipulations:

1. Black decorative fencing shall be utilized around the play area.
2. Daystarz and the adjacent property owner shall formalize the written access/use agreement by recording the executed document with the County Recorder.