



City Council Agenda Item Summary Report

Meeting Date: January 18, 2022			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing X	Action/Discussion
Item Title: Hold a public hearing and discuss and consider approval of an Ordinance approving a conditional use permit for a 'Child Care Center (Day Care)' to operate as a primary use at 700 W. Broad Street.			
Attachments: Ordinance Site Plan			

Item Summary:

Lighthouse Academy requests approval of a Conditional Use Permit. The purpose of the request is to operate a child care center.

Image 1: Location Map



Current Standards:

The property consists of 1.75 acres of land zoned within the Mixed Use District. This property has a single-story 4,000 square foot structure that was previously used by the Kids of Clay, a child care business that utilized the property for many years.

A Conditional Use Permit for an adult day care facility was approved by City Council on July 6, 2017, but the applicant never completed the steps necessary to legally occupy the property. As a result, following 6 months of vacancy the legal non-conforming status of this property became abandoned on January 6, 2018. When a nonconforming structure or property is abandoned, the premises must conform to any City codes or ordinances that are in effect at the time the structure is re-occupied.

To bring this property into conformity the following must be done before any Certificate of Occupancy may be issued:

1. A concrete parking lot must be completed, in accordance with Section 38.3 of the Zoning Ordinance: and
2. A fire lane must be provided in accordance with Section 503 of the IFC as amended by the City of Forney.

Images 2-4: Site Photographs



Proposed Use:

The applicant requests the property be allowed to be used as a Child Care Center. The application letter provides details of the business and applicant reasons for the request. If approved the business will operate Monday through Friday 6:00 am to 6:30 pm. The applicant has stated that they currently operate two (2) child care centers in the DFW area.

City of Forney Zoning Ordinance Section 38.6 (16) states:

Day nursery, day care center, pre-school or pre-kindergarten: One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in Subsection 38.4 D.

The applicant is proposing to add a concrete fire lane and new concrete parking spaces in order to meet this requirement.

The building was inspected by the Chief Building Official two years ago and it was determined that there were no issues with meeting the International Building Code requirements. If the Conditional Use Permit is approved, the Chief Building official would be required to inspect the building again before the applicant can obtain a Certificate of Occupancy.

Accessibility:

The property has access to the U.S. Highway 80 service road and W. Broad Street.

Zoning Ordinance Considerations:

When considering applications for a Conditional Use Permit, the City of Forney Zoning Ordinance provides the following considerations for the Planning and Zoning Commission and City Council:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Article V of this Ordinance;
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - b. Off-street parking and loading areas;
 - c. Refuse and service areas;
 - d. Utilities with reference to location, availability, and compatibility;
 - e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
 - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and open space;
 - h. Height and bulk of structures;
 - i. Hours of operation;
 - j. Exterior construction material and building design; and
 - k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
5. The proposed use is not materially detrimental to public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Notification:

Notification was provided in the newspaper and to property owners within two-hundred feet (200') of the property. Staff has not received any comments concerning this request.

Future Requirements:

If approved, future development of the property will require approval of:

1. Replat
2. Civil Plans (staff approved)
3. Flatwork Permit (staff approved)
4. Certificate of Occupancy

Recommendation:

On December 2, 2021, the Planning and Zoning Commission unanimously voted to recommend denial of the request. The Commission stated concerns for traffic and for suitability of a child care center at that location. In addition, at that time the following staff review comments had not been addressed:

1. Add a parking lot calculation table to the site plan.
2. Confirm that the impervious lot coverage percentage (building, parking, pavement) is less than 80%. Add the percentage calculation to the site plan.
3. Add trees at the terminus of all parking rows.
4. Label the fire lane and add the striping to the site plan.
5. Show the ADA route to the building from the public R.O.W.
6. Add dimensions to the driveway widths and all radii.
7. Update Concrete Notes on the site plan to include City Engineer Recommendations.
8. Change some of the curb radii. Some of them are too large.
9. Modify the proposed parking lot by compressing 24' aisle and add parking spaces along the main aisle.
10. Add a vicinity map to the site plan.
11. Show NTMWD easement and waterline.

The applicant revised the plans to comply with each of the above requirements and is appealing the Planning and Zoning Commission recommendation.