

## CU 15-08 Conditional Use: Daycare St. Mark's Day School

### **Applicant:**

Mark Enos, Stuck Architects:

The owners of St. Mark's Church purchased a house across street from their church, which they want to use as a daycare. They are requesting 12 cribs and the plan is to turn the three bedrooms into rooms with cribs, and add exits on the front and sides of the house. Along with an ADA required deck. We plan to expand the driveway by 12 ft. to add additional parking; the employees will park across street in the church parking lot adjacent to property.

### **Staff:**

Chocoletta Simpson, Staff:

The applicant proposes to locate a Daycare within an R-1 single family district. Providing care for up to 12 children, 6 months to 12 months of age. This is a supplement to their existing preschool program. Hours of operation will be 8:30 a.m. to 5:30 p.m. Monday through Friday only. St. Mark's does plan on keeping the integrity of the house. There will be no signs or other advertisements in the yard. There will be a 12 ft. extension of the drive to allow parking and the safety of the children. This use is allowed by Conditional Use, approval by the MAPC, a use change cannot occur unless approved by the MAPC. The zoning will remain R-1 Single Family. Staff recommends that it can be operated as an accessory use of the church.

Conditions are as follows:

1. That upon issuance of the Conditional Use Permit Approval, all other state and local child care certifications, and City business license be obtained and maintained by the applicant.
2. That upon issuance of the Conditional Use Permit Approval, all other applicable building occupancy, fire inspections, and other permits be applied for and obtained by the applicant.
3. Operational constraints shall include the following:
  - a. Hours of operation shall be limited between the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday only.
  - b. Drop off arrangements must be staggered in a manner not to impede upon customary residential traffic flow.
  - c. Maximum number of children shall not exceed 12 infants, ranging in age from 6 weeks to 12 months.

- d. The daycare facility may only be operated as an accessory use to the church upon approval and in the future any modifications of this ownership arrangement shall be subject to MAPC approval.
  - e. No yard signs allowed.
  - f. No outdoor play area shall be permitted.
4. No modifications to the proposed site plan shall be allowed unless approved by MAPC.

Daycare facility shall be subject to a 2-year reevaluation by the Planning Department verifying that said operation constraints are in compliance. A report shall be presented to the MAPC of all findings and necessary corrective measures if needed.

**Public Input:**

Mr. Mike Gott:

I am the owner of the property which is located to the west of the subject property, if I may pass these out. I must say I don't know what's worse, stopping a hospital from expanding or a church from doing a daycare. I got stuck with the daycare. I own the house at 510 W. College for about 8 years now; it is a residential rent house. It is 5'3" from the property line located at 514 W. College Ave. Staff was kind enough to set out the various concerns that I've had. I have concerns of traffic there; it is very crowded on that street at that time. How do you stagger pick up and drop off of children? I look at this as a commercial operation. I don't see the need to put this in a residential area.

One of the other concerns that I have is that this cannot be transferred or leased to any other entity. My desire is that it does not pass. I also want stipulations to further state, should the church cease to use it, I ask that it be returned to residential residence.

Another concern is, they are going to add a 12' driveway in and that is going to make the property look like a business. I maintain all of my properties; it is in my lease that the property must be maintained. I'm somewhat surprised that the City has a plan to have a international code thing. One of the guidelines in that plan is to maintain the area outside people's houses. All my rent houses are maintained; I build and maintain them as if I were going to live in it. I do not think this is a proper place, to all of a sudden, change a residential area and make it look like a commercial building.

There is a sign over there and it says you cannot park on this street while school is in session. The parking area coming out of this drive is not in-line with the drive from the church but it is going to be close. This morning, on my way to work, there were six cars lined up going east to west. This is how it's going to be, right in front of that driveway. I would ask that you disapprove

this and in my motion if you are going to do it, that all the constraints need to be shown in this thing. One of the reasons I'm here tonight is because I just don't think this is going to work.

Mr. Perkins: Where is your rent house in relation to this one?

Mr. Gott: It is to the right.

Mr. Perkins: I picked up when I was reading the application and staff report the comment about the drop off would be staggered. How do ya'll propose to do that?

Peggy Stripling, Director of St. Mark's:

Staggering drop-offs is not as difficult as it sounds. We have parents that go to work at different hours. We are open from 7:30 a.m. to 5:30 p.m. across the street. Some come right at 7:30 a.m. all the way up to 9:30 a.m. Infants are different you have parents that want to stay home with them as long as possible. You're not going to have 12 children arrive at same time. It doesn't work that way right across the street with 100 children.

Mr. Perkins: You anticipate that naturally, mothers will stagger their arrival, but you won't tell this mother you need to drop them off at 7:15 a.m. or this mother at 7:30 a.m.?

Peggy Stripling: When we open we have something called early care. We have children coming from 7:30 a.m. all the way to 8:30 a.m. and some come later. We have a wait list because parents are so excited about quality infant care. We never planned on doing anything to the house and we will keep the integrity of the house. We want it to look like a house.

Mr. Perkins: Do you anticipate having parents that use both the daycare and infant care?

Peggy Stripling: Yes.

Mr. Perkins: How are you going to handle the problem with mothers that want to drop off their babies by carrying them across the street?

Peggy Stripling: We are not sure. We talked about the possibility of a cross walk. We walk across there all the time. Our busy time is during school hours but we have never had a problem walking back and forth across the street.

Mr. Perkins: I'm sympathetic to that; I travel through there every day. It just seems to me that some mothers will be carrying their babies across the street and there will be no cross walks.

Peggy Stripling: We have siblings that are dropped off at one door and the other dropped off at another door. We will just use that same example for the baby house. I don't see this being an issue.

Mr. Perkins: For the ownership requirement? Are you willing to stipulate that it's just to St. Mark's? In other words, if St. Mark's sells the property it will revert back to R-1?

Peggy Stripling: Yes. That's why we want keep it the way it is, I don't see this being an issue. With the wait list I have, and constant phone calls I'm getting just by word of mouth. Parents are already hearing about the possibility of us getting a baby house and it will be successful. That's another reason why will keep it the way it is, like a house, so if it doesn't work we will sell the house to another family with no issues.

Jessie Perkins, Rector at St. Marks: I just want to speak to those two concerns, in terms of if we do decide to sell the house later it would definitely revert back to a residential house. I realize we are in a residential zoned area; the church is already in a residential zoned area. In terms of the outside of the house, we've owned it for about 2 months; we will keep it mowed and nice. We just want to expand. We don't have any room and our only option is to use another facility.

Mr. Gott: I think you're talking about a tremendous amount of business. This is a business. You can call it daycare; you can call it a business. You're putting a business in, in a residential area. This is exactly what you're trying to avoid. You want to keep the integrity of the residential neighborhood. When you put a 12' wide drive in there it is going to look like a business.

Mr. Lonnie Roberts: Any questions? Staff, do you have anything to add?

Mr. Spriggs: Unless you all have questions of staff, these conditional uses are on your list of permitted uses within the residential table. There are certain conditional uses that are allowed in R-1, which includes churches. We do get from time to time in home daycares, meaning the applicant will be living in the home. In which they are allowed to care for 8 children through the same process before the Planning Commission, if approved by the MAPC.

Home occupations have a vast amount of uses, meaning there is some level of commercial activity that you can do in your home. Just as long as you adhere to satisfy the 12 stipulations; clerical work, phone sells, internet sells, one on one consulting, etc. If you can look at the criteria set forth on pages 1 through 2, it deals with the impact of neighboring properties and character of the neighborhood, please see lists 1 through 8 in the Staff Summary. There are certain things that are stated as commercial but they are allowed in a residential area. Just as long as they maintain the character of the home as we noted.

We will look at it again during a 2 year re-evaluation period to address any issues that have become a hindrance, and then the Commission could at that time discontinue the approval. Staff tried to lay out these conditions in such a way that would cover all the issues that were brought up. I don't have any suggestions, when we put the case on the floor subject to the conditions that are noted. Please state the motion in the affirmative whether or not you're voting yes or no.

#### **Commission Action:**

Mr. Scurlock: I think the way we do conditional uses it gives us the flexibility to do stuff like this. These are strong do's and not to do's, so if they adhere to those rules it shouldn't be a

problem because if they don't they chance losing the property. So I think that's fair to everybody, with that being said I move approve the conditional use with all the noted stipulations that were set forth. 2nd by Mrs. Schrantz.

Mr. Scurlock: Yes; Hoelscher: Abstain;

Perkins; I'm going to vote no and I'm going to tell you why. First of all, I think you do tremendous work for your daycare and you have had a good reputation for years. I have no doubt that you would do the same with this infant day care. I just think this is just the wrong property because of the ADA requirements you will be changing the nature of the house. I am concerned about the safety aspect as well. The thought of a mother crossing road without a cross walk, it's just not good. That is just a dangerous situation waiting to happen. I'm not convinced by the staggering, I just do don't think you can stagger the drop offs.

Truthfully, the 2 year review is good, but there is a negative aspect to that. When the review comes up and you lose the location that it is not fair to you or the neighbors. While I'm all for what you're doing and I would love to see the infant care, I just don't think is this good for the neighbors. So I'm going to vote no.

Reese: I have traffic concerns so I'm going to vote no; Mr. Cooper: I have the same concerns. No; Mr. Bailey: No; Mrs. Schrantz. No.