

PLANNING & ZONING COMMISSION DRAFT MINUTES OF SEPTEMBER 10, 2012

AGENDA PUBLIC HEARING ITEM: #11-SU120901, Specific Use Permit, Nueva Vida Day Care Center, 1729 Avenue B (City Council District 5).

Senior Planner Mary Elliott presented the case report and a Power Point presentation to the Commission for approval of a Specific Use Permit for a child day care center in an existing building on 1.04 acres. The subject property is currently zoned Single Family-Four (SF-4) District and is generally located east of S. Belt Line Road and north of E. Marshall Drive. The owner is Antonio Delgado and the applicant is Mack Santoyo.

Mrs. Elliott stated the subject property is owned by Nueva Vida/ New Life Assembly. The church and accessory uses include a church sanctuary, offices, charter school and proposed day care center. A copy of the Texas Education Agency's approval for the charter school is attached. Charter schools are allowed by right in single family zoning districts.

Mrs. Elliott stated an operational plan has been submitted for the proposed day care center. The Nueva Vida Day Care Center will provide child day care from 6:00 am to 6:00 pm, Monday through Friday. The age groups range from infants to 10 years of age. The estimated capacity is 60 children. There will be about four caregivers for the facility. A floor plan has also been submitted for the subject property. Areas depicted by the floor plan are broken down according to the participant's age group. A kitchen facility is provided, and will meet commercial kitchen standards. Breakfast, lunch and snacks will be served. All food will be catered.

Mrs. Elliott stated the existing 9,346 red-brick building is in good condition. The building and landscape area are existing legally nonconforming conditions, since the proposed use will not expand the existing building area. There are also existing wood privacy fences along the western property line that provide screening for the single family residences to the west. UDC, Article 8 "Landscaping and Screening" requires a wood "Type 3" fence for non-residential uses that are adjacent to residential uses. However, the existing fences provide adequate screening.

Mrs. Elliott said since much of the existing parking paving is in poor condition, the applicant plans to re-pave the parking area as concrete in conformance with UDC, Article 10 "Parking and Loading." The site plan also shows re-paved driveway approaches, and a dedicated fire lane adjacent to the proposed day care.

Mrs. Elliott stated the proposed ordinance includes all of the conditions under Section 3 "Specific Use Permit Conditions."

Mrs. Elliott noted the day care center is accessible by two driveway approaches located on Avenue B. The drive aisles have adequate width to allow traffic in two directions. The parking requirement for a day care facility is one space per 10 pupils plus one space per employee. The total parking spaces required are 10 spaces, and the total parking spaces provided are 62 parking spaces. The total handicapped spaces required are three spaces, and the total parking spaces provided are three spaces.

Mrs. Elliott said the Development Review Committee recommends approval of this request for a child day care center in a single family residential zoning district in accordance with all Unified Development Code requirements.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

Vicente Delgado, 520 Bright Angel Trail, DeSoto, TX was representing the church on the case and was ready to respond to questions from the Commission. Mr. Delgado said they have worked on improving the property and bringing it up to code. He stated this would be a great asset to the community and ask the Commission to approve this request.

Commissioner Moser asked the applicant for clarification on the relationship among the church, the day care and the school.

Mr. Delgado stated that Golden Rule has a separate charter, and is separate from the church and the daycare. The Nueva Vida Church and the day care are associated. However, many of the Golden Rule students will also utilize the Nueva Vida day care facility.

Antonio Delgado, 513 Arthurs Drive, DeSoto, TX was also present in support of the request.

Bill Nash, 1734 Avenue B, Grand Prairie, TX stated he lives directly across from this facility. Mr. Nash said he is not opposed to the proposed day care and school, but has traffic concerns. He is aware that the city is currently conducting a traffic study at this time. Mr. Nash noted that there are some drainage problems, and with the threat of mosquitos he asked that the drainage issues be addressed. He also asked that all deliveries to the site be located towards the back of the building to alleviate noise, and that the dumpsters be relocated and enclosed to alleviate the smell that comes from the dumpsters.

Chairman Garrett noted a site plan has been submitted; therefore, the dumpster screening will need to meet all of the UDC requirements as presented by staff.

Transportation Planner Daon Stephens stated a traffic technician has been assigned to this area to conduct a traffic study that would take about three days to a week, and then the staff can provide Mr. Nash with a report. Mr. Stephens stated that ITE standards for traffic counts for this type of use indicate that the proposed use is appropriate at this location.

Director of Planning and Development Bill Crolley stated that the Engineering Division reviewed the site and has provided comments to the applicant on the drainage.

There being no questions or further discussion on the case, Commissioner Moser moved to close the public hearing and recommend approval of case SU120901 for a child day care center as presented by staff. The action and vote being recorded as follows:

Motion: Moser

Second: Arredondo

Ayes: Adams, Arredondo, Garrett, Moser, Philipp and Wooldridge.

Nays: None

Approved: **6-0**

Motion: **carried.**