



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: April 11, 2023

PREPARED BY: Otis T. Spriggs, AICP, Director of Development Services

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on an application for a Special Use Permit (SUP), pursuant to Sec. 28-63 of the Code of Ordinances, for a Daycare within the Commercial General Zoning District(C-G), DBA Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Angleton, TX, Stes. D&E.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

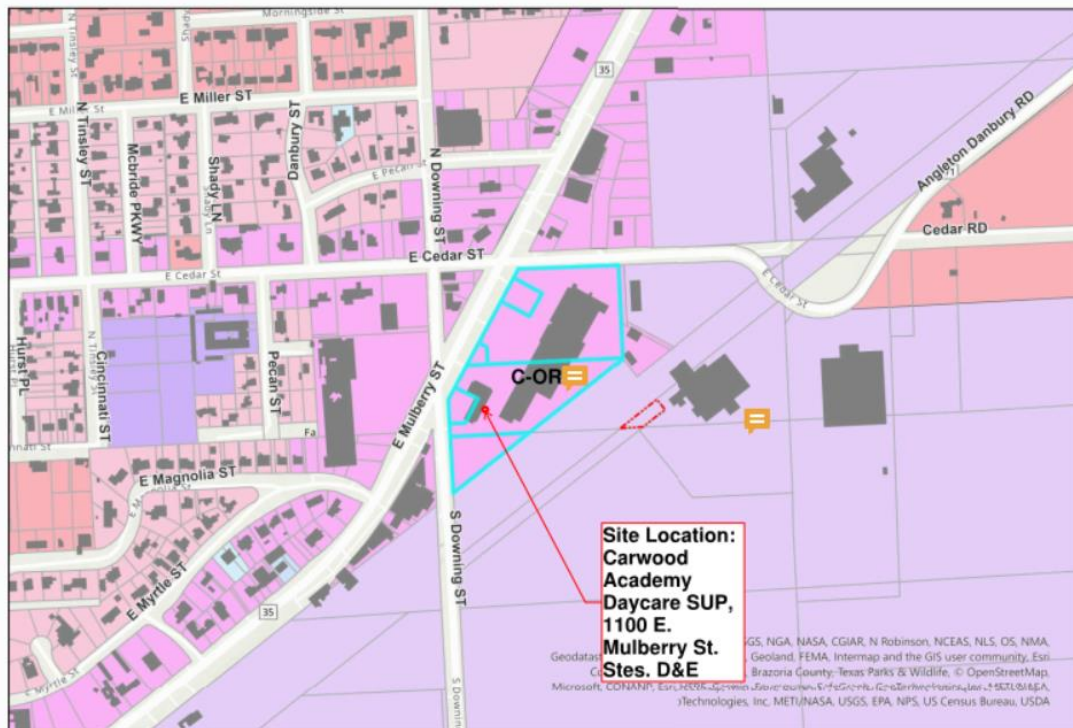
FUND: N/A

EXECUTIVE SUMMARY: Carwood Preparatory Academy Daycare/Preschool is requesting consideration of a Specific Use Permit for a Child Day care/Preschool at the property located at 1100 E. Mulberry St., Angleton, TX, Stes. D&E, within the Commercial General Zoning District (C-G).

PROPERTY HISTORY:

The subject property lies within a shopping center located at E. 1100 E. Mulberry St., Angleton, TX, Suites. D&E (East of Intersection of SH35 and S. Downing St./south of E. Cedar St.), within the Commercial General Zoning District (C-G). The commercial tenant space at one time was a daycare use; however, due to its discontinuance, the previous approval is considered vacated, and a new Specific Use Permit application was necessary.

The facility will have an exterior play area (20'X40') with a 4 ft. fence and gate with locking mechanism per state requirements.



ZONING MAP- 1100 E. MULBERRY ST.



Aerial View of Site



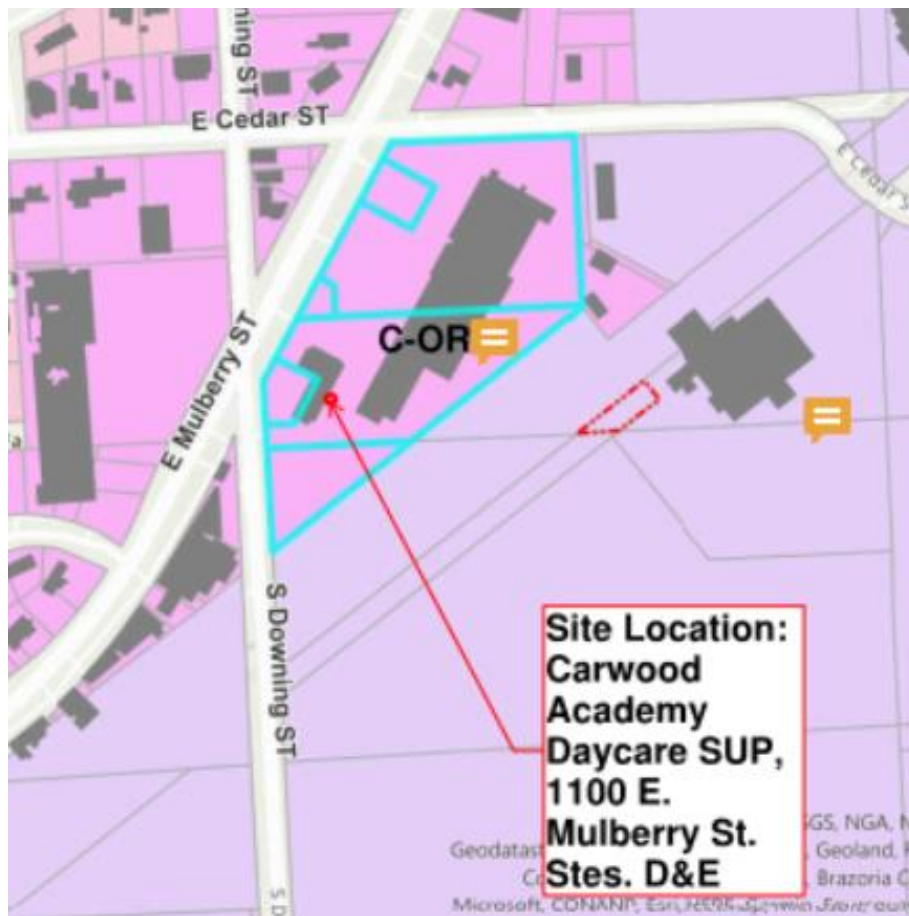
View looking 1100 E. Mulberry St., Suites D&E at Subject property



View of the Subject property Suites D & E on the right



View of rear yard showing the fenced playground area.



Zoning & Vicinity Map

STAFF ANALYSIS:

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and factors for consideration:

When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
- d. 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:
 - 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;
 - Off-street parking and loading areas; ***While staff cannot require speed-bumps on the subject site which is private, it is highly recommended that the applicant request permission of the property ownership to install speed bumps in the drop off area to ensure child safety for any speeding cars accessing the parking lot.***
 - Refuse and service areas;
 - Utilities with reference to location, availability, and compatibility;
 - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
 - 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;
 - Required yards and open space;
 - Height and bulk of structures;
 - Hours of operation;
 - Exterior construction material and building design; and
 - 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.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Staff has taken the above criteria into consideration when reviewing the proposed day care and pre-school facility. The space adequately provides for the use and if approved, it will not be in conflict with the Zoning Resolution nor the Comprehensive Plan. The use is compatible with the overall character of the area. The parking lot will adequately accommodate the proposed use.

Childcare licensing and regulations are handled by the state of Texas Health and Human Services Commission. The applicant has stated that the food service will not be cooked on site, but catered. In any case of prepared foods on site, the applicant must comply with Food and Health Inspections and Permit requirements.

Public Notification

Staff sent public notices to the local newspaper, and to the property owners within 200 feet of the subject property under consideration for the SUP application.

Opposition to or Support of Proposed Request

To-date, Staff has not received any notices in support or in opposition of the proposed SUP request.

Planning & Zoning Commission Record of Proceedings: Meeting held April 6, 2023

PUBLIC HEARINGS AND ACTION ITEMS

4. Conduct a public hearing, discussion, and take possible action on an application for a Special Use Permit (SUP), pursuant to Sec. 28-63 of the Code of Ordinances, for a Daycare within the Commercial General Zoning District(C-G), DBA Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Angleton, TX, Stes. D&E.

DS Director Otis Spriggs presented the SUP request and staff summary. He noted the criteria for approving SUP's was reviewed by staff and noted that there were no items in conflict.

Motion was made by Commission Member Ellen Eby to approve the minutes subject to the noted corrections; Motion was seconded by Commission Member Regina Bieri.

The planning and zoning commission forwards this Specific Use Permit (S.U.P.) application for a Daycare within the Commercial General Zoning District(C-G), for Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Stes. D&E to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties and subject to the condition that:

1. The applicant should make a good faith effort to obtain permission of the property ownership to install speed bumps in the drop off area to ensure child safety for any speeding cars accessing the parking lot.

2. The applicant shall obtain and maintain Childcare licensing as regulated by the state of Texas Health and Human Services Commission.
3. The applicant shall obtain any City Final Occupancy permits prior to opening the facility.
4. The applicant shall maintain any required Health Permit for food services to the children.

Chair William Garwood opened the public hearing without any opposition.

Christopher Woodard, the daycare owner, stated that they will have 50 children and will be open from 7:00 AM to 7:00 PM. Age will be from 18 months to age 13-year-olds.

Chair William Garwood closed the public hearing without any opposition.

Commission Member Regina Bieri commented on the existing playground area and its current bad condition and size. Mr. Woodard stated that he would be clearing the area and improving it.

Commission Action:

Motion was made by Commission Member Regina Bieri to approve the Specific Use Permit (S.U.P.) application for a Daycare within the Commercial General Zoning District(C-G), for Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Stes. D&E to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties and subject to the 4 conditions; Motion was seconded by Commission Member Bonnie McDaniel.

Commission Action: Motion carried unanimously, 7 -0 vote.

Recommended Action:

The Planning and Zoning Commission adopts this as its Final Report, forwards it to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a Child Daycare and Pre-school facility in the Commercial- General Zoning District, (C-G), for approval consideration and appropriate action (Vote: Unanimously Approved 7-0)).

Recommendation. The planning and zoning commission forwards this Specific Use Permit (S.U.P.) application for a Daycare within the Commercial General Zoning District(C-G), for Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Stes. D&E to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties and subject to the condition of the attached Ordinance that:

1. The applicant should make a good faith effort to obtain permission of the property ownership to install speed bumps in the drop off area to ensure child safety for any speeding cars accessing the parking lot.

2. The applicant shall obtain and maintain Childcare licensing as regulated by the state of Texas Health and Human Services Commission.
3. The applicant shall obtain any City Final Occupancy permits prior to opening the facility.
4. The applicant shall maintain any required Health Permit for food services to the children.