



Conditional Use Permit:
Day Care
Seaside Chapel – 105 Dow Road

October 13th, 2020
Miles Murphy – Senior Planner



Fenced
Playground
Area

105 Dow Road – Seaside Chapel

Day Cares Permitted in R-3

ARTICLE III. – Zoning District Regulations

Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-3
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	C

Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
R-3	Single-Family	12,000 ft ²	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	40 ft.	40%

1 – exists in a 45' height overlay district

Current Conditions



From 8th Street

Current Conditions



From Hamlet
(Parking Lot)



Structure for Day Care

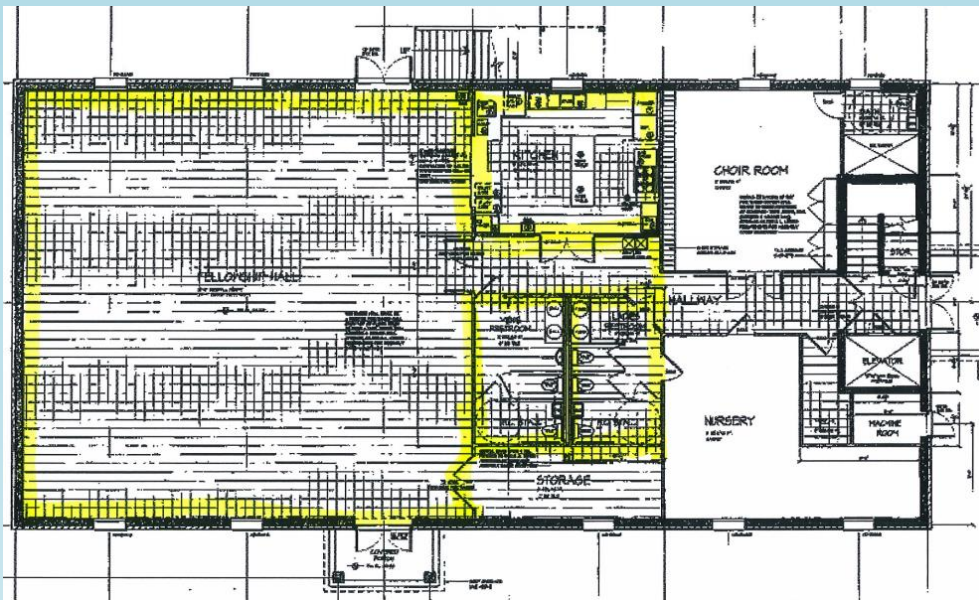
Current Conditions



Structure for Day Care

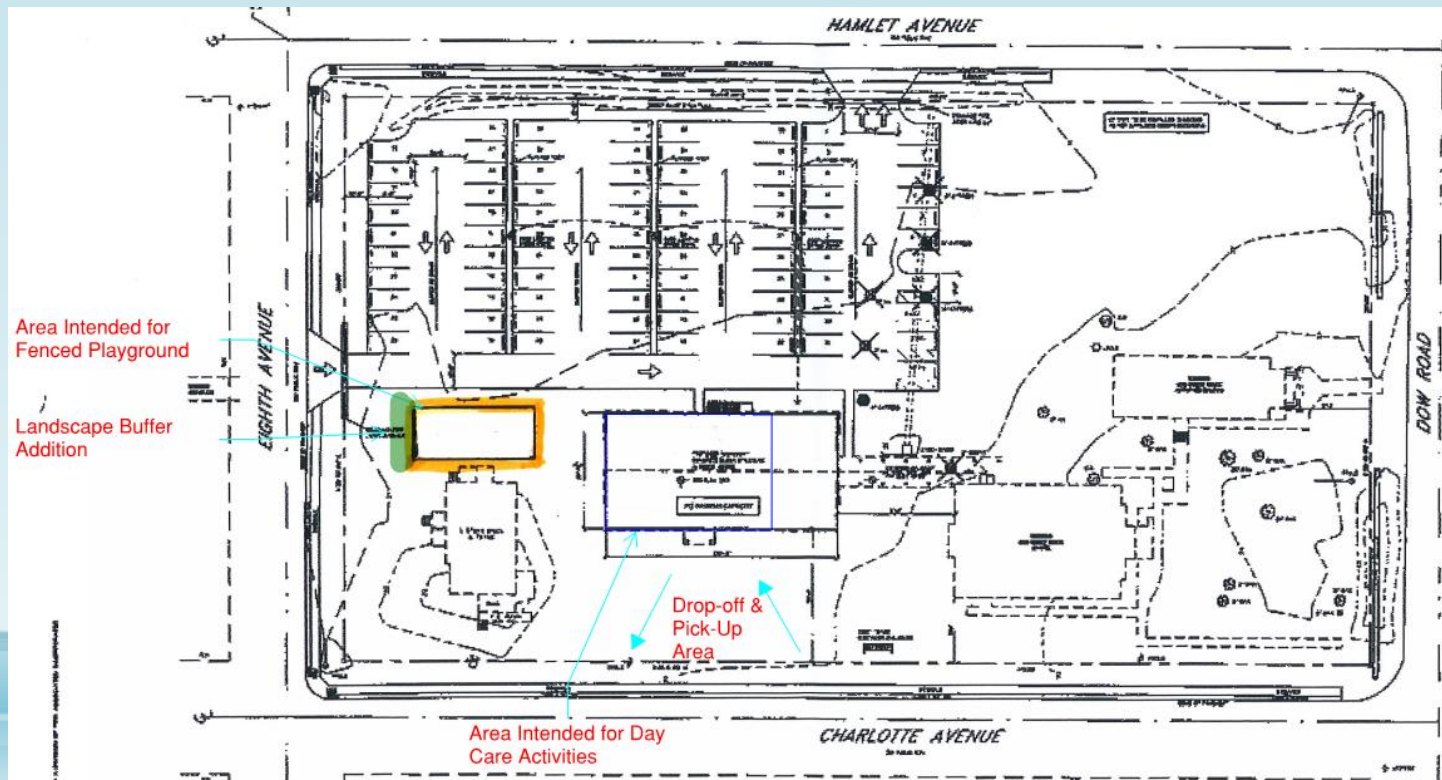


From Charlotte



Design

- Staff is requiring additional buffering to be placed on the edge of the proposed playground area
 - Original CUP in 2005 controlled the larger property's landscaping, parking, and buffering
- SW did not require the parking lot to be finished beyond its current condition
- Childcare/Day Care ratios and safety requirements are reviewed by agencies outside of the Town
- No additional improvements or requirements from TRC (beyond landscaping mentioned above)



Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress (drop-off) will remain via Charlotte Avenue
 - The design will accommodate drop-off/pick-up traffic and sufficient parking; extra is available on other locations on site
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash collection will not be changed
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will not be changed
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A landscape buffer is being required on the 8th street side of the proposed fenced playground area
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - Signage will potentially be proposed and all signage will have to meet standard zoning requirements for approval
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - There is no substantial change to any required yards or open spaces

General Conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

- The density falls within the standard R-3 density requirements and the proposed structures follows the setback requirements

(2) That the use meets all required conditions and specifications;

- The proposed CUP meets all required conditions and specifications

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

- The proposed structures/use will conform with the neighboring properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

-The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around 3.5 units per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited.

Staff Recommendation

Staff recommends the approval of the proposed CUP for the operation of day care services at 105 Dow Road, Seaside Chapel

- With the inclusion of landscape buffering on the 8th Street side of the proposed fenced playground area

Motion from Town Council

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), with the requirement of a landscape buffer along the 8th street side of the proposed playground area, that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
 - (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - (2) That the use meets all required conditions and specifications;
 - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.