



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Planning & Zoning – 10 SEP 2020

**SUBJECT:** A Conditional Use Permit to approve the operation of day care facilities at 105 Dow Road, Seaside Chapel

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### **BACKGROUND:**

The applicant, Seaside Chapel, is requesting a Conditional Use Permit (CUP) to operate day care facilities at their current facility located at 105 Dow Road. The parcel is zoned R-3 which allows day care facilities with a CUP.

The property was originally organized under a 2005 CUP. This controls the current the site plan and associated landscaping. Seaside Chapel is only proposing one improvement on the site; the addition of a fenced playground area. Staff is requiring additional landscaping to be placed on the north side of this proposed addition to enhance landscape buffers to the adjacent neighbors on 8<sup>th</sup> street.

**Specific standards.** No *conditional use* shall be granted by *town council* unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

- (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 will remain via Charlotte Avenue
  - The design will accommodate 2-way 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 service 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;
  - Additional landscaping is being required on the north 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 is proposed at this time 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 required yard or open space beyond general zoning standards which are all met in the original 2005 CUP for this property

**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-1 density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP meets all required conditions.

(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 structure/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.

**ACTION REQUESTED:**

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

**RECOMMENDED MOTION:**

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), 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.