



PLANNING

To: Mayor and Town Council

From: David Hoover, AICP, Director of Development Services

Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager

Re: Specific Use Permit for Licensed Childcare Center

Town Council Meeting – April 16, 2024

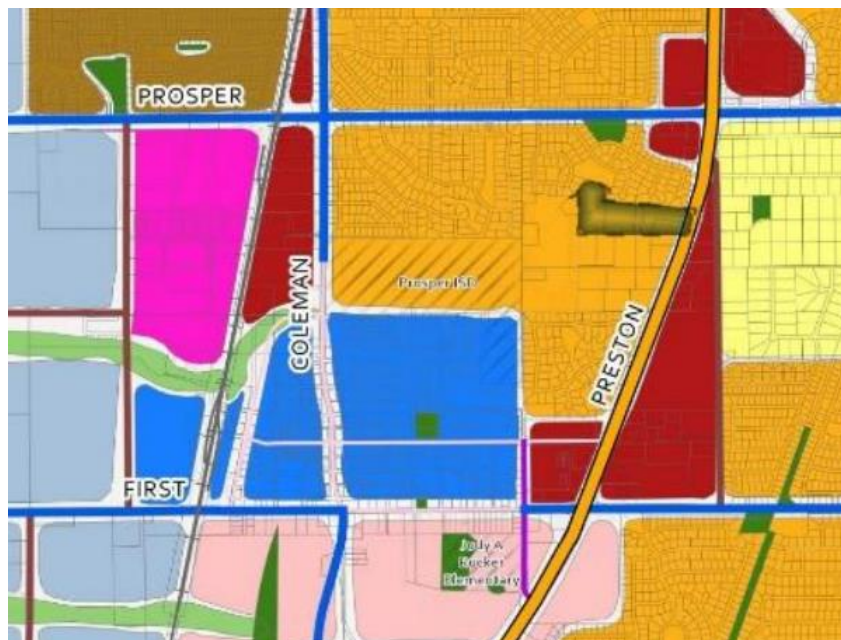
Strategic Visioning Priority: 2. Development of Downtown as Destination

Agenda Item:

Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit to allow a Licensed Child-Care Center use, on 2.0± acres, on Barnes Addition, Block A, Lot 1, located on the east side of Parvin Street and 190± feet south of Seventh Street. (ZONE-23-0038)

Future Land Use Plan:

The Future Land Use Plan recommends the Old Town District. The proposed zoning request conforms to the Future Land Use Plan.



- Low Density Residential
- Medium Density Residential
- High Density Residential
- Retail & Neighborhood Services
- Business Park
- Old Town District
- Town Center
- Dallas North Tollway District
- US Highway 380 District
- Parks
- Floodplain
- School District Properties
- Town Limits
- ETJ
- Dallas North Tollway, Dedicated Truck Route
- 6 Lane Divided
- 4 Lane Divided
- Commercial Collector
- 3 Lane Undivided Couplet
- Access Roads
- Old Town Roads

Zoning:

The property is zoned Single-Family 15.

Thoroughfare Plan:

This property has direct access to Parvin Street.

Parks Master Plan:

The Parks Master Plan does not indicate a park is needed on the subject property.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and state law. Staff has received one response in opposition to the proposed zoning request to date.

Attached Documents:

1. Aerial & Zoning Maps
2. Future Land Use Plan Exhibit
3. Exhibit A – Survey
4. Exhibit B – Site Plan
5. Exhibit C – Landscape Plan
6. Exhibit D – Elevations
7. Exhibit E – Code of Ordinances – Animal Control (Section 2.07.006)
8. Exhibit F – Fencing Exhibit
9. Email in Opposition
10. Letter in Opposition

Description of Agenda Item:

The purpose of this request is to obtain a Specific Use Permit to operate a licensed child-care center, The School House. The applicant plans to convert an existing residential home into the proposed licensed child-care center. The building will be expanded 430 square feet for a total area of 2,794 square feet. The site is approximately two acres and will have a licensed child-care center, barn, green house, and playground. The child-care center is planning for a maximum enrollment of 60 students and ten staff members, which will be dependent upon the Texas Child-Care Licensing Department as well as building and fire code occupancy limits. Additionally, the proposed barn will house small animals for the children with which to interact. Per the Town's Code of Ordinances, animals such as chickens, guinea pigs, and rabbits are permitted (See attached Exhibit E).

Compatibility:

This zoning change would not be seen as out of character with the existing neighborhood due to compatibility with the uses in the surrounding area. The property to the east, Reynolds Middle School, is operated by Prosper Independent School District. The similarity of these surrounding uses emphasizes that a licensed child-care center is compatible with the area.

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Single Family-15	Residential	Old Town District
North	Single Family-15	Residential	Old Town District
East	Single Family-15	Middle School	Old Town District
South	Single Family-15	Residential	Old Town District
West	Single Family-15	Residential	Old Town District

Applicant Requests:

The applicant is requesting that the following conditions be part of the Specific Use Permit.

- **Request 1:**

The landscape easement on the northern boundary is proposed to be ten feet.

The Zoning Ordinance requires 15-foot landscape easements adjacent to residential development. The applicant is requesting a five-foot reduction in this requirement for a total of ten feet to accommodate parking, a fire lane, and drive aisle north of the building. Staff recommends allowance of the five-foot reduction to the landscape easement due to the existence of a 20-foot unimproved alley, owned by the Town, between the subject property and the adjacent residential properties to the north.

- **Request 2:**

The screening on the property lines is proposed to be wrought-iron fencing overlaid with a metal mesh where vines will grow. Columns will be spaced 16 feet apart and have a veneer of hardie panel to match the building. (See Fencing Exhibit)

The Zoning Ordinance requires a six-foot masonry wall adjacent to residential zoning. The applicant is requesting an alternative fence to provide a natural look that matches the design of the building. Staff recommends compliance with the requirement for a six-foot masonry wall.

Specific Use Permit Criteria:

The Zoning Ordinance contains the following four (4) criteria to be considered in determining the validity of an SUP request.

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*
 - *Reynold’s Middle School operated by Prosper ISD is directly east of the property. The adjacent educational use indicates that a licensed child-care center is both harmonious and compatible with its surrounding existing uses.*
2. *Are the activities requested by the applicant normally associated with the requested use?*
 - *The activities will include both educational activities and recreational activities. These activities requested by the applicant are normally associated with the requested use.*
3. *Is the nature of the use reasonable?*
 - *The compatibility of the licensed child-care center with the surrounding area makes the nature of the use reasonable.*
4. *Has any impact on the surrounding area been mitigated?*
 - *The requirement for a six-foot masonry wall adjacent to residential areas will mitigate the impact to the surrounding area. The applicant’s current proposal does not adequately mitigate the impact on the surrounding area.*

Staff recommends approval of the request subject to full compliance with the Zoning Ordinance regarding screening.

Town Staff Recommendation:

Town Staff recommended approval of the request for a Specific Use Permit to allow a Licensed Child-Care Center use, on 2.0± acres, on Barnes Addition, Block A, Lot 1, located on the east side of Parvin Street and 190± feet south of Seventh Street to the Planning & Zoning Commission subject to the following conditions:

1. The landscape easement on the northern boundary shall be a minimum of ten feet.
2. The screening around the property shall be a six-foot masonry wall.

Planning & Zoning Recommendation:

The Planning & Zoning Commission recommended approval of this item by a vote of 6-0 at their meeting on March 19, 2024, subject to the following conditions:

1. The landscape easement on the northern boundary shall be a minimum of ten feet.
2. The screening around the property shall be a six-foot masonry wall.

Proposed Motion:

I move to approve/deny the request for a Specific Use Permit to allow a Licensed Child-Care Center use, on 2.0± acres, on Barnes Addition, Block A, Lot 1, located on the east side of Parvin Street and 190± feet south of Seventh Street subject to the recommendations from the Planning & Zoning Commission.