



## PLANNING

**To:** Mayor and Town Council

**From:** David Soto, Planning Manager

**Through:** Bob Scott, Interim Town Manager  
Chuck Ewings, Executive Director of Development and Infrastructure Services

**Re:** Specific Use Permit Amendment– Legacy

Town Council Meeting – January 24, 2023

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**Agenda Item:**

Conduct a Public Hearing and consider and act upon a request to amend a Specific Use Permit-19 (S-19) for a Child Care Center, Licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive. (S22-0010)

**History:**

Specific Use Permit-19 for Alpha Montessori was approved by the Town Council on February 28, 2017. An amendment was approved by Town Council on November 13, 2018.

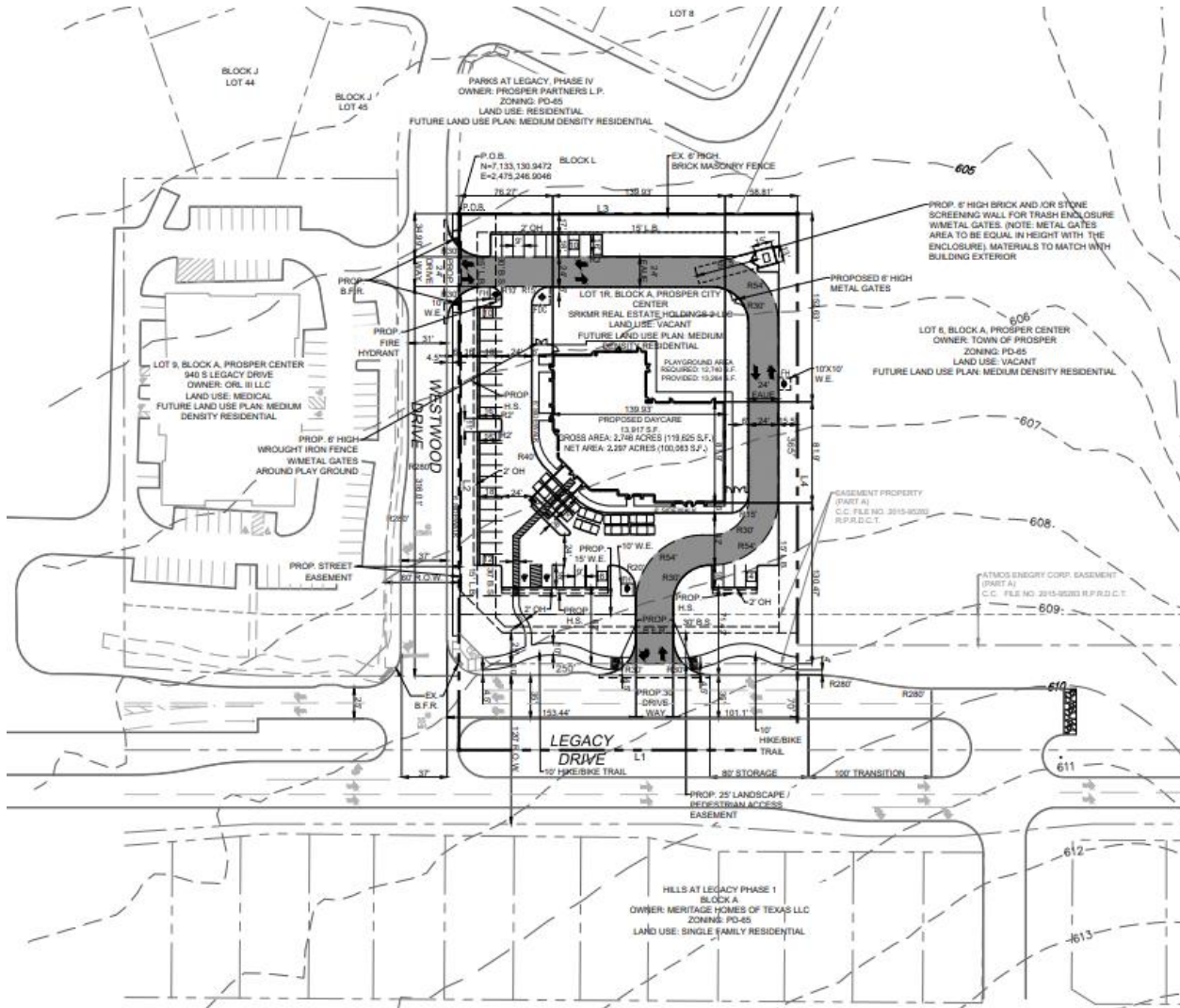
**Description of Agenda Item:**

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

	<b>Zoning</b>	<b>Current Land Use</b>	<b>Future Land Use Plan</b>
<b>Subject Property</b>	Planned Development-65 & Specific Use Permit-19	Vacant	Medium Density Residential
<b>North</b>	Planned Development-65	Vacant & Residential-Developed	Medium Density Residential
<b>East</b>	Planned Development-65	Vacant & Residential-Developed	Medium Density Residential
<b>South</b>	Planned Development-65	Prosper Center Offices	Medium Density Residential

<b>West</b>	<b>Planned Development- 65</b>	<b>Residential Developed</b>	<b>Medium Density Residential</b>
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**Requested Zoning** – The purpose of the amendment is to increase the number of students from 186 to 196 students. In addition, the square footage of the daycare was previously approved at 10,273sqft and the applicant is now proposing 13,917sqft. Per zoning ordinance, any increase in building square footage from its size at the time the original SUP was granted by greater than ten percent requires a new Specific Use Permit. As shown on revised Exhibit B, with the modification, the proposed number of parking spaces do meet the zoning ordinance.



The applicant will enter a development agreement regarding the building materials.



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

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*
2. *Are the activities requested by the applicant normally associated with the requested use?*
3. *Is the nature of the use reasonable?*
4. *Has any impact on the surrounding area been mitigated?*

Staff believes the applicant has satisfied the criteria and recommends approval of the request.

**Future Land Use Plan** – The Future Land Use Plan recommends Medium Density Residential.

**Thoroughfare Plan** – This property currently has direct access to Legacy Drive and Westwood Drive.

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

**Legal Obligations and Review:**

Notification was provided to neighboring property owners as required by State Law. To date, Town staff has not received any Public Hearing Notice Reply Forms.

**Attachments:**

1. Aerial and Zoning Maps
2. Exhibits

**Planning & Zoning Recommendation:**

At their December 6, 2022, meeting, the Planning & Zoning Commission recommended the Town Council approved the request, by a vote of 7-0.

**Town Staff Recommendation:**

Town staff recommends approval of a request to amend a Specific Use Permit-19 (S-19) for a Child Care Center, Licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive.

**Proposed Motion:**

I move to approve/deny a request to amend a Specific Use Permit-19 (S-19) for a Child Care Center, Licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive.