



22-0007SUP3

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit for a Day-Care (Children of America), Located at 4021 South Custer Road, Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: November 1, 2022

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Jake Bennett, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed specific use permit request with the following special ordinance provision:

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city.

APPLICATION SUBMITTAL DATE: April 25, 2022 (Original Application)
June 13, 2022 (Revised Submittal)
August 16, 2022 (Revised Submittal)
September 1, 2022 (Revised Submittal)
September 12, 2022 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing a specific use permit to allow a day-care (Children of America) located at 4021 South Custer Road.

The zoning for the subject property ("C1" - Neighborhood Commercial district) requires that a specific use permit be granted in order for a day-care to be operated on the subject property.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"C1" - Neighborhood Commercial district (Low intensity commercial and office uses)	Undeveloped Land
North	"PD" - Planned Development district (Multi-family uses)	Undeveloped Land
South	"PD" - Planned Development district (Multi-family uses)	Discovery at Craig Ranch
East	"PD" - Planned Development district (Multi-family uses)	Undeveloped Land
West	"PD" - Planned Development district (Office uses)	Undeveloped Land

SPECIFIC USE PERMITS: When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses in the immediate area
- Adaptability of building structures to the proposed use
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use

Staff has evaluated the request based on the above-mentioned parameters and feels that the site is appropriate for the proposed use and is compatible with existing and future land uses of the adjacent properties. The floodplain to the north and east of this property offer a buffer for the properties adjacent on these sides. The day-care and office development on this portion of the tract of land will also act as a further buffer of the commercial and multi-family developments to the west and south. This location offers a good area for a day-care, as it is situated near many multi-family and single family residents while also being located off of Custer Road for the safety of the children.

SITE LAYOUT: The attached exhibit provides a general layout of the proposed building as well as the associated parking and internal site circulation. The site circulation, parking, and sanitation requirements are in general conformance with the Zoning Ordinance.

ACCESS/CIRCULATION:

Adjacent Streets: Custer Road, 130' Right-of-Way (6 Lanes), Principal Arterial

Internal Circulation: A fire lane connecting the subject property to the adjacent property to the west will be continued around the day-care facility building, allowing adequate access to both of the proposed buildings on-site.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any letters of support or opposition of this request. This does not include emails or letters that may have been sent directly to members of the Council. As part of the Planning and Zoning Commission Public Hearing, Staff has not received any citizen comments through the online citizen portal.

BOARD OR COMMISSION RECOMMENDATION: On September 27, 2022, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed zoning request.

On October 18, 2022, the City Council voted 7-0-0 to table the proposed rezoning request, and continue the public hearing to the November 1, 2022 meeting.

SUPPORTING MATERIALS:

[CC Minutes 10.18.2022](#)

[PZ Minutes 09.27.pdf](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Ordinance](#)

[Proposed Exhibits A-B](#)

[Presentation](#)