

SPECIAL USE PERMIT

Case Coordinator: Christopher Barton

GENERAL PROJECT INFORMATION

SITE ZONING: (LR-2) Local Retail District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(LR-2) Local Retail District with SUP 285 for required parking on a lot separate from the main use, and (SF-7/14) Single Family Residential District	Tanning salon, professional offices and single family homes (across Trinity Mills Road)
SOUTH	PD-44 for the (MF-18) Multi-Family Residential and (LC) Light Commercial District	Apartments, mini-storage and auto service/quick lube
EAST	(LR-2) Local Retail District with SUP 115 for a reverse vending kiosk and SUP 204 for a cellular telephone antenna monopole.	Fitness & Recreational Sports Center (Private)
WEST	PD-44 for the (MF-18) Multi-Family Residential District	Apartments

REQUEST: Approval of an SUP to allow for a child daycare center

PROPOSED USE: Child daycare center

ACRES/LOTS: Approximately 4.5 Acres/1 Lot (shopping center); approximately 4,750 square feet (lease space)

LOCATION: 2760 East Trinity Mills Road

HISTORY: The shopping center was platted into a lot of legal record in 1984. According to the Dallas Central Appraisal District, the building was constructed in 1983. The current zoning was established on December 15, 1998. Prior to that date the tract was included in PD-44 as originally established in 1978. The intended use for the parcel has always been for retail uses.

COMPREHENSIVE PLAN: Medium Intensity Commercial

TRANSPORTATION PLAN: Trinity Mills Road is designated as an (A6D) Six-Lane Divided Arterial

OWNER: Chalak Hometown Briarwick, LLC

REPRESENTED BY: Tekisha Scott

STAFF ANALYSIS

ORDINANCE REQUIREMENTS TO CONSIDER

The Comprehensive Zoning Ordinance (CZO) requires the following for child day care centers:

- Hours of operation for Daycare centers shall be determined on a case by case basis. Where a Special Use Permit has been established allowing a daycare center, and where the applicable hours of operation have not been identified, the hours of operation shall not exceed the period between 6:00 am and 12:00 midnight.

The daycare center will operate from 6:30 am to 8:00 pm.

- Where the front entrance or designated student disembarkation point of a daycare center is less than two hundred-fifty (250) feet from the main entrance of the site, off-street vehicle stacking spaces shall be provided in accordance with Article XXIV of the CZO.

Adequate parking and stacking spaces are available for the use.

- A minimum four (4) foot high wall or iron or metal fence shall enclose outdoor activity space. The minimum separation between rods shall be no less than four (4) inches on-center apart.

The applicant proposes a six-foot-high board on board privacy fence enclosing the outdoor activity space.

ELEMENTS TO CONSIDER

- The proposed site is a lease space in an existing shopping center. A new, fenced outdoor play space would be in the rear of the shopping center. While there is no turf or other landscaped area, the play area would be surfaced with a material meeting State requirements, such as shredded rubber, rubber mats or pea gravel to provide a “giving” surface reducing the impact of falls.
- The applicant plans to provide small, raised planter boxes suitable for children to learn about small plants.
- The daycare center consists of approximately 4,000 square feet of building space and an approximately 1,300 square foot outdoor playground.

ADDITIONAL INFORMATION

Following are specific questions from the Commission noted by the applicant at the January 15, 2015 meeting along with her responses. Additional images and exhibits are at the end of the case report.

1. Where exactly will University Kids be located?

2760 East Trinity Mills Road, Carrollton, Texas 75006, Suite 114 (project site) as depicted with a purple star on the **A6-DIRECTION OF TRASH PICK UP** document.

2. Where will the playground be located?

The playground will be located directly adjacent to the rear of the building. See **A2-OUTDOOR FLOOR PLAN** and **A6-DIRECTION OF TRASH PICK UP** for an aerial view.

3. Is the financing secured for the rear of the playground, if it were to be approved?

Yes, the outdoor play area is part of my build-out allocations in my lease and I have secured a small business loan.

4. Have you read staff's stipulations?

Yes, I will comply with staff's recommendations/stipulations.

5. Which businesses/retailers did you speak to in regards to how frequent they use the rear/back lane?

I spoke with all eleven businesses. The Framing Warehouse receives deliveries to the rear of the building approximately once a month. The remaining businesses receive front (door) deliveries.

6. How do you protect the fence from any vehicular damage?

A solid wood fence supported by reinforced steel posts inserted into the ground, to include ten (10) concrete traffic bollards around the perimeter. Currently, there is an eight inch existing concrete slab with four (4) concrete traffic bollards outside of the play area. Also, consistent signage will be posted to alert drivers. See **A6-DIRECTION OF TRASH PICK UP**.

7. Is the fence a board on board to prevent people from seeing that there are children playing?

Yes, the privacy fence is a solid wood, board on board, including cameras in the rear of the building.

8. When it rains how does the water drain?

The water drains toward the fire lane, running east.

9. Are there any problems with the solid fence?

No, the solid fence adds natural appeal to the outdoor learning environment.

10. Are daycares protected by any regulations, regarding a certain amount of feet from an alcoholic beverage establishment?

No, the project site is six to seven businesses/retailers from the alcoholic beverage establishment, approximately 140 feet.

(Note from staff: the distance requirement established by state law applies to schools, not child day care centers.)

11. Location of the sanitation/trash pickup and travel route behind the project site?

The trash is located on the opposite side of the project site to the left as seen on **A6-DIRECTION OF TRASH PICK UP**. The dumpster truck enters from the Trinity Mills side and travels along in the rear (fire) lane behind University Kids towards 24 Hour Fitness.

12. What type of shading will be used?

Traditional daycare and elementary school shade canopy. Blocks 94% of sunlight and protects children from harmful UV rays. Knitted fabric from high density polyethylene monofilament, infused with UV inhibitors, designed to withstand wind loads of up to 90 mph.

- 13. How often does the sanitation department pickup trash? What days? Do they come consistently at the same time?**

Tuesday & Thursday before 11:00 a.m. Trash pickup time is consistent.

- 14. How many people will be on the playground? Can you re-arrange play time with the scheduling of dumpster pick up?**

There will be two adults with approximately fourteen scholars between them. Yes, play time will be adjusted to avoid dumpster pickup.

- 15. Will the children play outside when it is dark?**

No, the playground is off limits when it is dark.

Conclusion

Because both the Planning & Zoning Commission and City Council have previously expressed a clear desire to have outdoor play space be in the character of “natural” landscaping, with turf and other vegetation, staff must recommend against the request. While it may be possible to remove the existing paving in the back of the lease space and install turf grass and other vegetation, it would likely be uneconomic to do so.

If the Commission recommends in favor of the request, staff suggests the stipulations found in the result sheet.