

STAFF REPORT FOR CONDITIONAL USE REQUESTED FROM PLANNING COMMISSION

PLN-MAR-17-00006: TAYLORMADE REAL ESTATE, LLC

REQUESTED CONDITIONAL USE

1. A child care center

ZONING ORDINANCE

Article 1-11 defines a Child Care Center as: “any facility which provides full or part-time care, other than family child care, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky.”

Article 6-4(c) states: “The Planning Commission may hear and act upon requested conditional uses and variances **associated with** a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Articles 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days of the application, unless postponed further by the applicant.” **(Emphasis added)**

Article 8-12(d)5 states that “Kindergartens, nursery schools, and child care centers for four (4) or more children” are permitted as a conditional use in the R-3 zone. In addition, “a fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.”

Article 8-12(n), by reference to Article 8-1(n), requires a minimum of “three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.”

CASE REVIEW

The applicant has requested Planning Commission consideration of a conditional use permit for a child care center, known as the ChildCare Network (CCN), in conjunction with their zone change request for the subject property. This almost four acre property is located a short distance to the west of the corner of Man o’ War Boulevard and Clays Mill Road, and is on the south side of Higbee Mill Road.

More precisely, the subject site is at the southwest corner of the former Clays Mill Road Extended and Higbee Mill Road, although the portion of Clays Mill Extended has been closed and exists only as an access easement on the eastern boundary of the subject site. A small parking lot is also proposed for the child care center. That parking lot will be accessible from the existing pavement, and is planned to have room for 27 vehicles. The child care center is to be separated from Higbee Mill Road by a floodplain associated with the South Elkhorn Creek, which bisects the subject site - flowing east to west.

CCN provides child care and programs for infants, toddlers, two-year olds, three-year olds and pre-Kindergarten children. The existing CCN branch also offers programs for 5-12 year olds for before and after school care, and a summer camp program. Transportation is provided by the center to and from Stonewall, Picadome, Wellington, and Clays Mill Elementary School students. They advertise a “high quality curriculum” for children, and according to the application, their goal is to help the children become “eager learners.” Care for 100 children is being proposed with this application.

CCN is currently located in the Millpond Shopping Center, which is at the corner of Boston Road and Man o' War Boulevard about ½ mile east of this location. That facility has a 5,000 square foot outdoor play area (required for most child care centers in Kentucky), but it is separated from their leased interior space in the Center, and children must walk outside, through a portion of the center's parking lot to access the designated play area. They hope to relocate to a new free-standing facility on the subject property, where they can create an adjacent 22,200 square foot outdoor play area. The 9,165 square foot child care center is interested in locating on the subject site because a significant number of their parents live south of Man o' War Boulevard. Because of this, it is anticipated that most of the traffic to and from this child care center will come from the east and west, along Man o' War Boulevard, and not via the neighborhood streets in the nearby Stonewall subdivision.

Because this child care center is easily accessible to several nearby neighborhoods, this is a very good location for the proposed use. It is located near two major roadways utilized for commuting to and from work, when the majority of the drop-offs and pick-ups are made by parents and employees. Child care centers are usually sited where most people live or work, or along the collector and/or arterials that connect them.

Relocation of CCN to the subject property will not harm the health, safety or welfare of the existing neighborhood. It will provide an important service to new and existing residents of the general area south of Man o' War Boulevard, as it does today. New pedestrian facilities will allow some closer neighbors to walk to this new facility. Fire and police protection, solid waste service and all utilities are available and adequate for the proposed use.

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested conditional use will not harm the public health, safety or welfare, and will not adversely affect the character of the subject or surrounding properties. The proposed use will be situated along Man o' War Boulevard, and screened from the nearest residential uses north of that arterial by a number of trees and some vegetation currently located in and adjacent to the existing floodplain and creek which traverses the property.
- b. This use is intended to allow an existing facility in the general area to relocate and expand on the subject site. Most traffic to and from this center will utilize Man o' War Boulevard, given existing travel patterns to the CCN facility located in the Millpond Shopping Center on Boston Road by its clientele.
- c. On-site parking will be provided on the subject site, as will a very large outdoor play area for children being cared for at this child care center.
- d. All necessary public services and facilities are available and adequate to the subject site, provided sidewalks are installed as currently proposed. Sanitary sewers, fire & police protection and all public utilities are provided in this portion of the Urban Services Area, and available to this location.

This recommendation of approval is made subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. The subject property shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
3. The proposed use shall be operated in accordance with the submitted application provided by the applicant.
4. All necessary permits, including a Zoning Compliance Permit, Fence Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy of this child care center.