

- 1. **ZOTA 2017-3: KINDERGARTENS, NURSERY SCHOOLS & CHILD CARE CENTERS IN THE HIGHWAY SERVICE BUSINESS (B-3) ZONE** – petition for a Zoning Ordinance text amendment to Article 8-20 to allow kindergartens, nursery schools and child care centers without restriction in the Highway Service Business (B-3) Zone.

REQUESTED BY: One Venue, LLC

PROPOSED TEXT: (Note: Underlined text indicates an addition to the current Zoning Ordinance; and ~~strikethrough text~~ indicates a deletion from the current Zoning Ordinance.)

8-20 HIGHWAY SERVICE BUSINESS (B 3) ZONE

8-20(b) Principal Uses

22. Kindergartens, nursery schools and child care centers, ~~where enrollment of children is sponsored and licensed by established churches and non-profit community based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility.~~ A fenced and screened play area shall be provided in an area, located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than 25 square feet per child.

26. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any kindergarten, nursery school, child care center, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

STAFF ALTERNATIVE TEXT:

8-20 HIGHWAY SERVICE BUSINESS (B 3) ZONE

8-20(b) Principal Uses

22. Kindergartens, nursery schools and child care centers, ~~where enrollment of children is sponsored and licensed by established churches and non-profit community based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility.~~ A fenced and screened play area shall be provided in an area, located a minimum of twenty (20) feet from a collector or arterial street, and shall contain not less than 25 square feet per child. An indoor play area which meets the same size requirements may be utilized.

The Zoning Committee made no recommendation, due to lack of a quorum.

The Staff Recommends: Approval of the Staff Alternative text, for the following reason:

- 1. The proposed text amendment will allow kindergartens, nursery schools and child care centers to be permitted in the B-3 zone without restriction or affiliation to a church, non-profit organization or adjacent employers. The amendment will be more consistent with the existing provisions of the office and business zones, which allow such uses.
- 2. The staff alternative text permits indoor play areas to be utilized in order to meet the 25 square-foot play area requirements established by the Zoning Ordinance, and a doubling of the separation standard for outdoor play areas. In the B-3 zone, an indoor play area may be more suitable and appropriate in many instances.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment. She said this is a request made by One Venue, LLC, to remove the restrictive language related to kindergartens, nursery schools and child care centers within the B-3 zone and to add a spacing requirement between child care centers and adult businesses. She presented the past history for the current Zoning Ordinance language and said the staff is recommending approval of a staff alternative text, as follows:

8-20 HIGHWAY SERVICE BUSINESS (B3) ZONE

8-20(b) Principal Uses

22. Kindergartens, nursery schools and child care centers, ~~where enrollment of children is sponsored and licensed by established churches and non-profit community based groups, and/or where enrollment may be limited to children~~

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

~~of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility.~~ A fenced and screened play area shall be provided in an area, located a minimum of ~~ten (10)~~ twenty (20) feet from a collector or arterial street, and shall contain not less than 25 square-feet per child. An indoor play area which meets the same size requirements may be utilized.

Commission Comments – Mr. Owens asked if the staff is recommending the text in #26, associated with adult uses, not to be included. Ms. Wade replied that it is the intent of the staff to not include changes to #26. Mr. Owens also asked if the child care playground facilities will be improved so that the children won't have to cross a parking lot. Ms. Wade replied that the staff hasn't discussed that matter.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations and the staff alternative.

Citizen Comment – There were no citizens present to speak to this application.

Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 10-0 (Drake absent) to approve ZOTA 2017-3: KINDERGARTENS, NURSERY SCHOOLS & CHILD CARE CENTERS IN THE HIGHWAY SERVICE BUSINESS (B-3) ZONE, for the reasons provided by the staff.