



Item: Resolution 9836 for Conditional Use Permit to allow a Day Care Center on Lot 1A, Block 3, Sunrise Court Addition (5115 3rd Avenue South)

From: Charles Sheets, Planner 1

Initiated By: Great Falls Housing Authority, Cheryl Patton, Executive Director

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission adopt Resolution 9836.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9836.”

2. Mayor calls for a second, discussion and calls the vote.
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Zoning Commission Recommendation: At the conclusion of a public hearing held April 28, 2009, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition, addressed as 5115 3rd Avenue South, to serve as a day care center.

Background: Great Falls Housing Authority intends to lease the existing community center, addressed as 5115 3rd Avenue South, to Play’N’Learn Daycare, Inc. Ms. Raegen Breeden, Director, intends to operate a day care center for up to 38 children, between 0 to 12 years of age. (See attached application and business proposal) According to the lessee, the proposed day care center will have an owner/director and employ four to five primary care givers, four to five aides, and one cook.

For additional information, please refer to the attached Vicinity/Zoning Map. Also attached is a site plan that shows the size and configuration of subject property, together with the location of the primary structure, Building E, and accompanying parking.

Subject property is zoned R-5 Multi-family residential medium density district wherein a day care center is permitted upon processing and approval of a conditional use permit. The definition in the Unified Land Development Code for day care center is a place and/or building, or portion thereof that is used or is intended to provide day care to children on a regular basis. (Source: 52-2-703.3, Montana Code Annotated, "Day care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.)

Neighborhood Council No. 4 discussed the subject conditional use permit on April 21, 2009. The Council Chairman, Sandra Guynn, attended the Zoning Commission Public Hearing and stated the council did not have a quorum present but those present were in favor of granting a conditional use permit for a day care center.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Planning Board, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plan, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

A goal in the land use element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods”. The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected, which in this case, is established and stable. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

Establishing a day care center at this location would not be intrusive to the neighborhood. The existing parking lot serving the facility should allow for adequate drop off and pick up of children without disrupting the neighborhood or traffic flow. The Great Falls Housing Authority maintains a play area within the apartment complex that the day care center will be able to utilize.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, provided the property otherwise stays in compliance with City code.

The only individuals who spoke during the Zoning Commission public hearing held April 28, 2009 were Ms. Cheryl Patton, Executive Director of the Great Falls Housing Authority and Sandra Guynn, Chairman of Neighborhood Council No. 4. There has been no opposition expressed to the requested conditional use permit for the day care center. The Zoning Commission at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition, addressed as 5115 3rd Avenue South, to serve as a day care center.

Concurrences: The Community Development Department has been involved throughout the review and approval process for this project.

Fiscal Impact: Granting the conditional use permit allowing the Housing Authority to lease 5115 3rd Avenue South to accommodate a day care center, will be a source of revenue for the Housing Authority.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Resolution 9836
2. Vicinity/Zoning Map
3. Development Review Application for Conditional Use Permit
4. Site Plan provided by applicant
5. Letter to Great Falls Housing Authority, business proposal from Play’N’Learn Daycare, Inc.

Cc: Cheryl Patton, Executive Director, Great Falls Housing Authority
Mike Rattray, Community Development Director
Kim McCleary, City Parking Supervisor