

**RESOLUTION Z-13-12**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL EXCEPTION TO ALLOW A CHILD CARE CENTER AND A SPECIAL USE PERMIT FOR A PRIVATE SCHOOL IN AN A (AGRICULTURE) ZONING DISTRICT WITH A RURAL/AGRICULTURE LAND USE DESIGNATION (1 DWELLING UNIT PER 5 ACRES) ON APPROXIMATELY 35 ACRES LOCATED AT 2022 SW 122<sup>ND</sup> STREET ON TAX PARCEL NUMBER 04420-000-000*

WHEREAS, Zoning Application ZOX-02-13 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of June 19, 2013, and,

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of August 13, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOX-02-13, a request by Kent Young, agent, for The Academy Preschool at The Family Church, owner, for a special exception to allow a child care center and a special use permit for a private school in an A (Agriculture) zoning district with a Rural/Agriculture land use designation (1 dwelling unit per 5 acres) on approximately 35 acres located at 2022 SW 122<sup>nd</sup> Street on Tax Parcel Number 04420-000-000, as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

## Conditions

- 1) A special exception for a pre-school facility is granted to the Family Church located at 2022 SW 122<sup>nd</sup> Street.
- 2) A special use permit for a private school (Grades K-2) is granted to the Family Church located at 2022 SW 122<sup>nd</sup> Street.
- 3) Maximum student capacity for the preschool and private school combined shall not exceed 124 students. Numbers for each may be adjusted as necessary to accommodate changes in student enrollment as long as the overall cap is not exceeded

## Bases

**1. Policy 5.1.1** of the Future Land Use Element states that such institutional uses may be allowed in areas specifically designated for Institutional land use on the Future Land Use Map or in other land use categories in accordance with the guidance and policies as set forth in Section 5.0 of the FLUE. **Policy 5.1.2** of the Future Land Use Element provides broad definitions for institutional uses. Specifically Policy 5.1.2(a) identifies both day care centers and private schools as institutional uses. The day care center will serve pre-school children within existing facilities on the Family Church property while the school will serve grades K-2 on the same site.

**2. Policy 5.2.1** of the FLUE provides criteria for institutional uses requiring special use permits prior to those uses being established. These include:

- a) Optimum service area.
- b) Optimum operating size.
- c) Access to clientele.
- d) Compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.
- e) Nature of service provision.
- f) Needs of the clientele.
- g) Availability and adequacy of public infrastructure to serve the particular use.
- h) Preservation and strengthening of community and neighborhood character through design.
- i) Consistency with the goals, objectives, and policies of the Conservation and Open Space Element.

As previously noted in this report, the proposed preschool facility is already in existence and operates within the confines of the existing church building. The preschool wishes to expand to use more of the existing facility and thereby expand student enrollment. The Family Church is located along Parker Road (SW 122<sup>nd</sup> Street), thus providing access to potential users of the facility. The maximum student capacity will be limited to 124 students, which is the limit based on student/square footage ratios established by the State of Florida. The site is served by on site water and septic facilities which have

been sized to handle a fully operational church at this site. The preschool and private school will operate within existing facilities and will not adversely impact existing resources, consistent with the goals, policies and objectives of the COSE. No undue impacts from odors, noise or adverse visuals impacts are anticipated. Traffic generation will occur at drop-off and pick-up periods in the morning and afternoon. However, due to the limits on student enrollment (124 max), it is not anticipated that this traffic generation will adversely impact road capacity on Parker Road.

**3. Policy 5.2.2** of the Future Land Use Element states that institutional land uses shall be located where they may be integrated into the surrounding community. The day care center and school will be located on one floor of an existing 25,000 square foot building on the property. No new construction will occur as part of this request. The Family Church is an existing complex that is located on 35 acres on the west side of SW 122<sup>nd</sup> Street. Agricultural and large lot residential uses surround the property. The proposed use as a day care center will not cause adverse impacts to surrounding uses. As it is located in an existing structure, it is easily integrated into the surrounding community and land uses.

**4. Policy 5.3.9** of the Future Land Use Element states that *Day care centers shall be allowable uses in Medium Density, Medium-High Density, and High Density Residential, Institutional, Office, Commercial, Light Industrial, and Industrial, within specific zoning districts subject to performance criteria in the land development regulations. Day care centers may be allowed through the development review process in other land*

*use categories as specified in the land development regulations.* The land development regulations allow day care centers in the Agricultural zoning district provided they are accessory to a place of worship. The Academy Preschool meets this criterion and is thus consistent with Policy 5.3.9 of the FLUE.

**5. Policy 7.1.2** of the Future Land Use Element states that proposed changes to the zoning map shall be considered in light of the availability and capacity of public facilities required to serve development, as well as the relationship of the proposed development to existing development in the vicinity. The facility has direct access to an arterial road that has existing capacity remaining. The use of the site for the purpose of a day care/preschool will not impact emergency services, school capacity, or other levels of service within Alachua County. Surrounding land uses include large undeveloped parcels of agricultural land and single family residences on large lots. The subject property has a future land use designation of Rural/agriculture, which allows for institutional uses as set forth in the Comprehensive Plan. The facility will be housed on one floor of an existing 25,000 square foot building on approximately 35 acres of land. Its impact will thus not be out of character with the area. The preschool/school will not generate additional noise or visual impacts. Traffic impacts will be minimal and will consist of drop-off and pick-up periods in the morning and afternoon. In addition, there is dense vegetation to the west, south and north of the site while the structure housing the school sits back from SW 122<sup>nd</sup> Street, which is located east of the school building. All required setbacks will be maintained as part of this proposed use. The proposed facility will thus have a minimal impact on the surrounding uses and the

request is therefore consistent with Policy 7.1.2 of the FLUE.

**6. Section 402.113 of the ULDC** states that *“the Board of County Commissioners shall, as part of a decision to approve an application for a special exception, make a finding that the application complies with both the general criteria and the review factors”* as follows:

a) *The proposed use is consistent with the Comprehensive Plan and ULDC;*

The proposed use is consistent with the Comprehensive Plan and ULDC, specifically the institutional policies stated in the Comprehensive Plan section of this staff report above.

b) *The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;*

As conditioned, the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan. The day care facility is located in an existing building on the church campus. No additional impacts are anticipated should this special exception be approved.

c) *The proposed use shall not adversely affect the health, safety, and welfare of the public.*

The proposed use will not adversely affect the health, safety, and welfare of the public. The daycare facility is proposed for pre-school aged children and will

meet all requirements for these facilities as stated in Florida Statutes and Administrative Code. The day care facility does not generate any noise, odors, or intense glare.

**7. Section 402.113(d)** states that special exceptions shall address the following specific issues:

1. *ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;*

The site has existing ingress and egress that will be adequate to serve the proposed use. Peak demand periods will be during drop-off and pick-up of students. As the site functions as a church with large peak capacity during services, the site is ideally suited to this use.

2. *off-street parking and loading areas where required, with particular attention to item 1 above;*

On-site parking is available. As the school population is pre-school, additional parking will not be needed beyond those instructors and teachers who work for the school. There is adequate parking to meet these proposed needs.

3. *the noise, glare or odor effects of the special exception on surrounding properties;*

The proposed facility will not present glare, noise or odors impacts to surrounding properties.

- 4. refuse and service areas, with particular reference to location, screening and items 1 and 2;*

The facility has existing refuse disposal service areas, which we will be used by the day care facility.

- 5. utilities, with reference to location and availability;*

Existing utilities are adequate to meet any limited demands that may occur at the site.

- 6. screening and buffering with reference to type, dimensions and character;*

The facility has existing screening and buffering per its existing use as a church.

- 7. signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;*

The applicant has not stated that any signage beyond that already located at the site will be used. Any signs, if proposed, shall meet the Alachua County sign ordinance.

- 8. required yards and other open space;*



The proposed special exception complies with all open space and setback requirements as found in the ULDC.

9. *general compatibility with surrounding properties; and*

As previously stated, the day care facility will be housed in an existing building on the church campus. No additional construction is anticipated. The church campus as a whole is compatible with surrounding uses, which are primarily agricultural or large-lot residential in nature.

10. *any special requirements set forth in this ULDC for the particular use involved.*

The applicant shall comply with any additional ULDC requirements as identified during the site plan review process as well as the conditions imposed as part of this special exception to ensure compatibility with surrounding uses and to ensure that the public health, safety and welfare are maintained.

Staff notes that the criteria for approval of special use permits found in 402.124 are identical to those found for special exceptions in 402.113. Staff finds the proposed special use permit for a private school consistent with 402.124 of the ULDC based on the criteria found above for special exceptions.

**8. Chapter 404.31** of the ULDC provides standards for the operation of child care centers. The Academy Preschool, as the operator of the child care facility (and a subsidiary of the Family Church), has previously received site plan approval for their

existing child care operation at this site. As such, they were found to be consistent with the standards found in 404.31. *Specifically:*

1) *Licensing*

*A child care facility shall be licensed by the Florida Department of Children and Family Services.*

While not required by state regulations, the church will obtain DCF licensing.

The church has been inspected and passed Health Department regulations for a capacity of 124 students.

2) *Vehicle Circulation*

*In addition to the requirements of Chapter 402, Article 2, an applicant for a child care center shall provide a vehicular circulation plan showing onsite queuing and circulation based upon the location and number of patrons that utilize the facility.*

Cars will enter and leave the church property via SW 122<sup>nd</sup> Street (Parker Road).

A 475 foot long roadway is available from Parker Road to the first parking area.

This will allow for staging of cars entering or exiting the property. Parents will park their cars in front of the church and walk their children through the church to the school/child care center. Stabilized emergency vehicle access is available to the west of the child care center building connecting the paved driveways north and south of the buildings.

3) *Recreational Facilities*

*Outdoor recreational facilities shall be located in the rear yard for child care centers within residential zoning districts.*

An existing 6,000 square foot (SF) fenced playground is located to the west of the proposed child care center/school.

4) *Landscaping*

*In addition to the landscaping requirements of of Chapter 407, one additional shade tree per 1,000 square feet of outdoor play or activity area shall be installed.*

Landscaping was provided in the outdoor play area with the original approval for the child care center. The landscaping requirements of Chapter 407, Article 4 have been reviewed with the previous development plan application and this request triggers no additional requirements.

5) *Setbacks from Residential*

*All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least 50 feet from any abutting residential property line and 25 feet from any abutting multi-family residential property.*

More than 50 feet is provided to any residential property line.

6) *Hours of Operation*

*Child care centers within residential areas shall not operate between the hours of 7:00 PM and 6:00 AM.*

Hours of operation shall be from 6:30 am to 6 pm.

7) *Parking*

*Parking areas for child care centers that are located within the single-family residential districts shall be located to the side or rear of the principal building.*

*Parking areas for child care centers located within Traditional Neighborhood or Transit Oriented Developments must meet all requirements of Chapter 407, Traditional Neighborhood and Transit Oriented Developments.*

The site is not located within a single family residential district. A total of xx parking spaces are required as found in Table 407.14.1 of the ULDC. Existing parking provides 23 paved spaces and 60 grass spaces in front of the church.

**9. Chapter 404.34** of the ULDC provides general standards and requirements for private schools and other educational facilities. These include where these facilities may be located as well as site development criteria and additional requirements for private educational facilities. With regard to the general standards found in 404.34(b), the school shall be required to comply with any applicable standards related to accessibility, setbacks, vehicular circulation and outdoor lighting as stated in the chapter.

As previously stated, hours of operation are from 6:30 am to 6 pm, consistent with 404.34(c)1. Additional buffering (404.34(c)2) may be required depending on the ultimate size of the student population at this facility. A separate special exception approved by the BoCC (404.34(c)3) shall be required if the school intends to construct athletic fields to serve the student population.

DULY ADOPTED in regular session this 13<sup>th</sup> day in August, A.D., 2013.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_

Mike Byerly, Chair

ATTEST:

\_\_\_\_\_

J. K. Irby, Clerk

APPROVED AS TO FORM

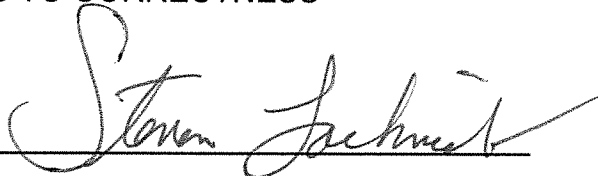
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Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

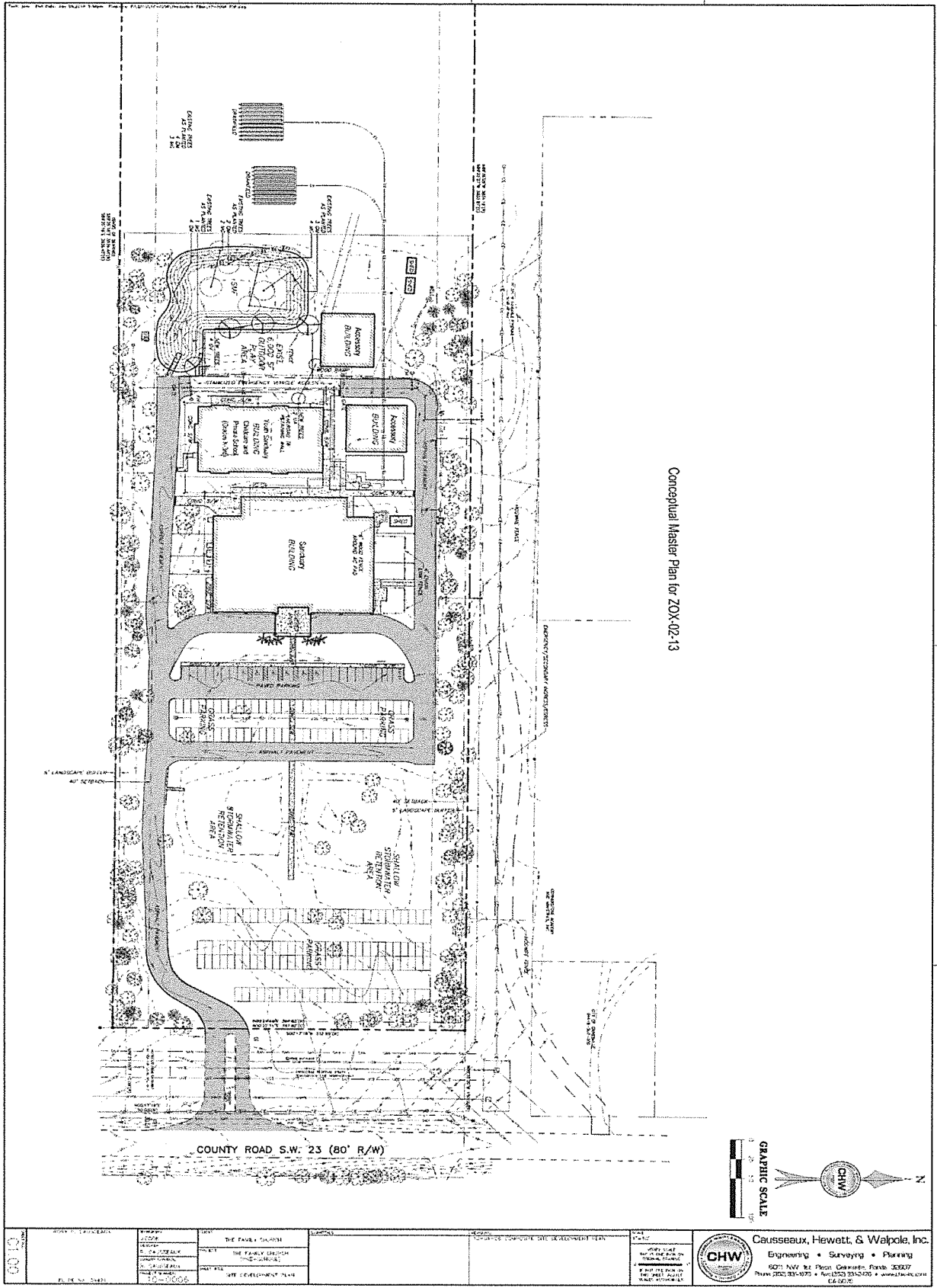
  
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Department of Growth Management

Authorized Designee

## EXHIBIT A

N 397.63 FT OF SE1/4 OF SW1/4 & N 397.63FT OF S1/2 OF SE1/4 LESS E 150 FT OR  
2036/1517



ZOX-02-13  
 08/13/2013