

AGENDA

Planning and Zoning Board

July 9, 2012

6:00 PM

City of Smyrna – City Hall

- I. Approval of Minutes from the June 11, 2012, Planning and Zoning Board Meeting.
- II. Approval of a text amendment to Section 703 of the Zoning Ordinance pertaining to day nurseries and kindergartens – City of Smyrna

MEETING OF July 9, 2012

WARD/COMMITTEE Com. Development

ITEM NUMBER

\$ IMPACT N/A

ISSUE: Approval of amendment to Section 703 related to day nurseries.

SUMMARY: The Mayor and Council made a request of city staff to draft a text amendment to Section 703 (R-15) of the Zoning Ordinance pertaining to day nurseries. Some concern was expressed regarding the possible encroachment of non-residential uses (i.e. day nurseries) into residential areas.

BACKGROUND: The proposed amendment was sent to the Planning and Zoning Board on June 11, 2012 and the board voted to table the amendment to the July 9, 2012 meeting to allow for more time to understand and discuss the issue.

STAFF RECOMMENDATION: The proposed amendment will help to clarify some of the minimum requirements for day nurseries in the R-15 zoning district. Community Development recommends **approval** of the proposed code amendment to Section 703 of the Zoning Ordinance as detailed in the attached staff memo (the amendment is highlighted in yellow).

REQUESTED ACTION: Mayor and Council hold a public hearing per Section 1504 of the Smyrna Code.

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: Planning and Zoning Board

From: Ken Suddreth, Director
Russell Martin, AICP, Planner - II

Date: July 3, 2012

CC: Eric Taylor, City Administrator

RE: Zoning Code Text Amendment – Day Nurseries in R-15 Zoning District

BACKGROUND

The Mayor and Council made a request of city staff to draft a text amendment to Section 703 (R-15) of the Zoning Ordinance pertaining to day nurseries. Some concern was expressed regarding the possible encroachment of non-residential uses (i.e. day nurseries) into residential areas.

The proposed amendment was sent to the Planning and Zoning Board on June 11, 2012 and the board voted to table the amendment to the July 9, 2012 meeting to allow for more time to understand and discuss the issue.

ANALYSIS

On July 5, 2006, the Mayor and Council adopted a code amendment (Ordinance 2006-16) to add day nurseries and kindergartens as permitted uses under the R-15 zoning district provided these uses meet certain requirements to mitigate potential impacts on the residential neighborhood. These requirements included restrictions on minimum lot size, location in relation to non-residentially zoned properties and thoroughfares, restricted hours of operation, limited enrollment, the provision of a semi-circular driveway and the provision of a landscape buffer along residentially zoned property. Due to the City's Zoning Code allowing public or private schools as permitted uses in the R-15 zoning district; the City Council believed day nurseries and kindergartens were similar to school uses and compatible with existing neighborhoods and approved the amendment by a vote of 5-0 (Councilman Smith and McNabb were absent from the meeting).

Community Development has received building plans for a new day nursery at 706 Flagler Street. The subject property is currently zoned R-15 and the proposed day nursery meets the spatial requirements under the R-15 zoning district. Questions were raised regarding the definitions of arterial, major and minor thoroughfares and whether or not access for the semi-circular drive must solely be from them. At this time and after additional information has been obtained, Staff believes that amending just the "circular drive" requirement is all that is necessary to clarify the situation. As such, Community Development drafted the proposed

amendment to Section 703.2 of the Zoning Ordinance, which is provided below (changes are highlighted in yellow):

- (1) Section 703.2(8) of the Zoning Ordinance - A semi-circular drive shall be provided for off-street loading and unloading of children. Both ends of this drive shall have access per the requirements of Section 703.2(1).

STAFF COMMENTS

The proposed amendment will help to clarify some of the minimum requirements for day nurseries in the R-15 zoning district. Community Development recommends approval of the proposed code amendments to Section 703 of the Zoning Ordinance as detailed below (amendments are highlighted in yellow).

Amend Section 703 of the Zoning Ordinance:

Sec. 703. - R-15, single-family residential district.

The R-15 district is comprised primarily of existing low density residential areas of the City of Smyrna, and vacant or open areas where similar residential development appears likely to occur. The intent of this section, in establishing the R-15 district, is to preserve and protect existing development, and to encourage similar and complementary type residential development together with associated recreational, religious and educational facilities.

Within any R-15 residential district, the following uses shall be permitted:

- (703.1) All uses permitted in the R-20 residential district.
- (703.2) Day nurseries and kindergartens provided that:
 - (1) Are located on a lot which such has access to a major or minor arterial.
 - (2) The lot is a minimum of one-half acre in size and adjacent to a non- residentially zoned parcel. For the purposes of this section, adjacent shall also include parcels separated by a publicly dedicated right-of-way.
 - (3) Enrollment shall be restricted to children between the ages of infancy and six.
 - (4) There shall not be less than 35 square feet of usable space per child. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for

staff use, other single use areas and space occupied by adult size furniture shall be excluded in determining usable space. The minimum size of the outdoor area must be equal to 100 square feet × one-third of the center's licensed capacity for children.

- (5) The outdoor play area shall occur only in the rear and shall be enclosed by a fence not less than four feet in height. A ten-foot wide landscape buffer as defined by section 503 shall be provided along any portion of the property which adjoins residentially-zoned property.
- (6) A semi-circular drive shall be provided for off-street loading and unloading of children. Both ends of this drive shall have access per the requirements of Section 703.2(1).
- (7) The hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday. No children shall be permitted to play or congregate outside before 9:00 a.m. No weekend operations shall be permitted.
- (8) All applicable state and county regulations are conformed with.