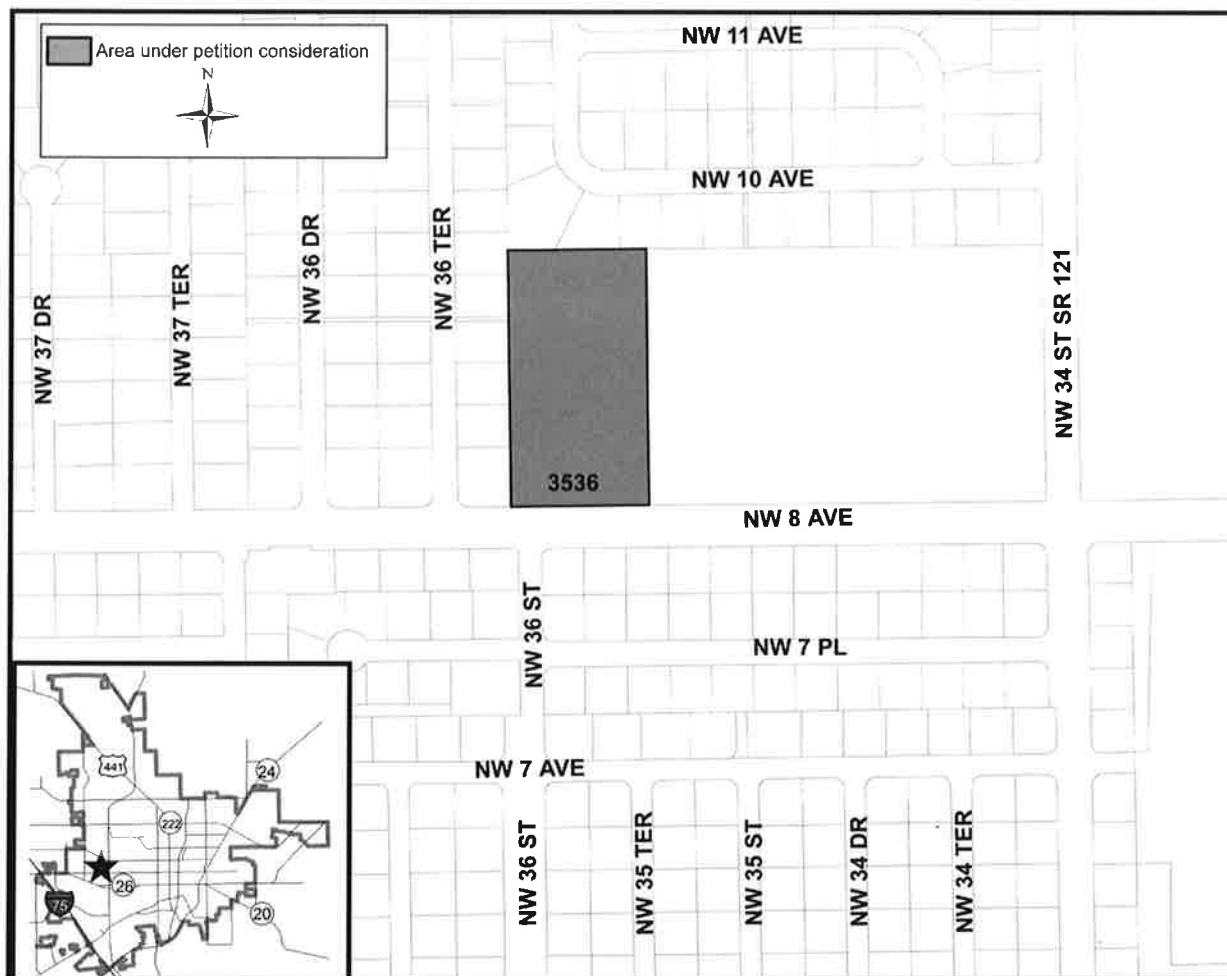


**TO:** City Plan Board **Item Number:** 4  
**FROM:** Planning & Development Services Department **DATE:** January 28, 2016  
**SUBJECT:** Petition PB-15-157 SUP. Newberry Christian Community School, agent for Vineyard Christian Fellowship. Change an existing Special Use Permit for a K - 9th grade school to add 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades for the Newberry Christian Community School. Zoned: RSF-1: 3.5 units/acre single-family residential district. Located at 3536 NW 8<sup>th</sup> Avenue.

### Recommendation

Staff recommends approval of Petition PB-14-157 SUP with the conditions stated in this report.



## **Description**

This is a request to change an existing special use permit (SUP) for a pre-K through 9<sup>th</sup> grade, private school in order to add 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades and to increase the maximum number of students permitted by the SUP. The existing SUP was approved by Petition 115 SUP00-PB on August 17, 2000 by the City Plan Board for a maximum of 140 students on this developed, 4.6-acre property (see map on previous page) that is currently owned by the Vineyard Christian Fellowship Church. The property is currently used for: a place of religious assembly by several denominations; a 27-child daycare center (A Child's Garden Daycare); a 40-student afterschool program (Gainesville's After School Program (GASP)); and a 227-student, pre-K through 12<sup>th</sup> grade private school (Newberry Christian Community School (NCCS)) that opened on January 4, 2016. The current total, per a January 12, 2016 e-mail (see Exhibit C-2 (a)) from NCCS is 294 students (includes 27 daycare center children and 40 afterschool program children).

No new development is proposed for this property that was developed in the 1980s. No increase in the number of daycare children for the existing 27-child daycare center (A Child's Daycare Center) is proposed, and there is no proposed increase in the existing 40-student afterschool program (GASP) for this proposed SUP. The applicant is proposing a maximum of 475 students.

The 4.6-acre property is in the RSF-1: 3.5 units per acre single-family residential district, which allows private schools and daycare centers by special use permit. See Exhibit B-3 for the RSF-1 district regulations. The SUP (included in the application, see Exhibit C-1) and related minor development plan that were approved in 2000 incorporated the decades-old daycare center use but limited classroom use to the first floor. Applicable building and life safety codes in effect at that time precluded educational use on the second floor. Changes in those codes since 2000 have resulted in educational use of the second floor no longer being precluded, and a maximum overall capacity of 667 students (based on the fire code requirement of 20 sq. ft. per student, and 13,345 sq. ft. (figure provided by the applicant) of usable classroom space. After an in-depth site inspection by Building Inspection Division staff (accompanied by Planning staff) on January 8<sup>th</sup>, the applicant was informed of these changes in applicable codes.

This property abuts developed, single-family residential properties with RSF-1 zoning to the north and west. Adjacent to the east is Littlewood Elementary School with Educational services district (ED) zoning. To the south is NW 8<sup>th</sup> Avenue, a 4-lane City of Gainesville roadway beyond which are developed, single-family residential properties with RSF-1 zoning.

See Table 1 on Page 7 for a tabular summary of adjacent existing uses and adjacent zoning districts. See Exhibit B-1 for an aerial photograph of the property and surrounding area. See Exhibit B-2 for a map that shows the zoning category of the property and the zoning categories of the surrounding area.

## **Basis for Recommendation**

The staff recommendation is based on the general criteria for issuance of a Special Use Permit (Sec. 30-233 of the Land Development Code). In order to approve this special use permit, the Plan Board must make findings that the proposed special use conforms to the Comprehensive Plan and to all applicable provisions of the Land Development Code.

## **Special Use Permit Criteria**

Section 30-233 requires that certain findings must be made in order to grant a special use permit, as follows:

- 1. The proposed use or development complies with all required regulations and standards of Chapter 30 of the Land Development Code and all other applicable regulations.**

The recommended Special Use Permit Conditions (see Conditions 1-7 in this staff report). for the pre-K – 12<sup>th</sup> grade private school will ensure compliance with the Land Development Code requirements and other applicable regulations.

The recommended 50 percent reduction in the required number of bicycle parking spaces for a total of 66 spaces (2 bicycles for each of 33 racks) for the 375-student private school is the minimum number of bicycle parking spaces allowed by the Land Development Code for the proposed school. Staff supports the 50 percent reduction requested by the applicant and supports the bases for it that are described in an e-mail of 1/19/2016. See Exhibit C-2 b. – Request for Reduction in Bicycle Parking.

- 2. The proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.**

The proposed addition of grades 9 through 12 to the K-9<sup>th</sup> grade private school that was approved in 2000 (per Petition 115 SUP00-PB and the related minor development plan approved by Petition 116 SPA-CD), with the Special Use Permit (SUP) conditions recommended by staff (see Page 5 of this staff report) will be compatible with nearby uses and properties. Staff recommends a reduction in the proposed number of students from 475 to 375. The current total of 294 students is a substantial increase over the 140 maximum number of students approved by the existing SUP, and the current private school is so new (it opened on January 4, 2016) that staff recommends the lesser number of 375 students. This number is acceptable to the applicant. Should future growth of the private school be such that an increase in the 375-student cap were to be requested in a future SUP petition, the applicant, staff, and the Plan Board would have the benefit of reviewing that application with documentation as to the currently recommended 375-student school's compatibility with surrounding properties, conformance with the Comprehensive Plan, and compliance with the currently recommended SUP conditions, should they be approved by the Plan Board.

- 3. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development.**

This developed property is already served by public utilities which have adequate capacity for the proposed use.

**4. The use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use.**

This existing development is located within Zone B of the Transportation Mobility Program Area. The segment of NW 8<sup>th</sup> Avenue from State Road 26/Newberry Road to NW 22<sup>nd</sup> Street is operating at Level of Service (LOS) C (with 14,813 AADT) and has an adopted LOS of E (34,030 AADT). The proposed addition of grades 10, 11 and 12 and the proposed increase from 140 students allowed by the current Special Use Permit to 475 students (includes 27 daycare students and 40 after school program students) will generate (using rates from ITE Trip Manual, 9<sup>th</sup> edition) net increases of:

- 831 Average Daily Trips (net increase from 347 to 1,178 ADT);
- 272 AM Peak Hour Trips (net increase from 113 to 385 AM Peak Hour Trips); and,
- 57 PM Peak Hour (\*) Trips (net increase from 24 to 81 PM Peak Hour Trips). (\* PM Peak of Adjacent Street Traffic, One Hour Between 4 and 6 PM)

This segment of NW 8<sup>th</sup> Avenue has sufficient capacity to accommodate the traffic impacts of the uses proposed by this Special Use Permit.

**5. Screening and buffers are proposed of such type, dimension and character that will improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.**

The applicant is committed to constructing a privacy fence of up to 8 feet in height along the northern property line in order to improve compatibility with the adjacent single family neighborhood. See Condition No. 3 in this staff report, which additionally requires maintaining the existing landscape buffers, berms and fences that adjoin or are proximate to the surrounding properties.

**6. The use or development conforms with the general plans of the city as embodied in the city comprehensive plan.**

The proposed private school use (additional students and grades) with the recommended Special Use Permit Conditions conforms with the general plans of the City as embodied in the Comprehensive Plan. See Exhibit A-1 (Comprehensive Plan GOPs) for Future Land Use Element Objective 1.5, Policy 4.1.1, and Policy 4.2.1.

**7. The proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.**

This developed property is currently served by public utilities which have adequate capacity for the proposed use. There is also adequate capacity on the adjacent four-lane roadway (NW 8<sup>th</sup> Avenue) for the proposed use. The proposed use meets the level of service standards adopted in the comprehensive plan and conforms with the City's concurrency management requirements.

### **Special Use Permit Conditions**

**Condition 1.** The maximum number of students shall be limited to 375 students, which include a maximum of 27 daycare children and 40 after school care children.

**Condition 2.** The regular hours for the daycare, after school and pre-K – 12<sup>th</sup> grade private school shall be as follows:

- Daycare: 7:15 AM – 5:45 PM (hours for providing service) ;
- After School Program – 3:00 PM – 6:00 PM (hours in which the program is offered);
- Pre-K- 12<sup>th</sup> grade private school – 8 AM – 3 PM (regular school day starts at 8 AM and ends at 3:00 PM).

(Note: all normal operating functions shall be started and completed between 6:00 AM and 6:00 PM, Monday through Friday. The regular hours for the facilities shall be no earlier than 6:00 AM and no later than 6:00 PM.)

**Condition 3.** The existing landscape buffers, berms and fences that adjoin or are proximate to the surrounding properties shall be retained and kept in good condition. In addition, an opaque wooden or wood-like fence of at least 6 feet in height and no more than 8 feet in height along the entire northern property line shall be constructed within three months of approval of this special use permit, and shall be kept in good condition.

**Condition 4.** Student drop-off and pick-up traffic shall not queue onto NW 8th Avenue, and all student drop-off and pick-up shall be as shown on the illustrative site map at the end of Exhibit C-1 and date stamped January 12, 2016.

**Condition 5.** Bus parking shall be restricted to the east side of the property and no further north than the easternmost playground area shown on the illustrative site map at the end of Exhibit C-1 and date stamped January 12, 2016.

**Condition 6.** Outdoor recreation shall be limited to the playground areas shown on the illustrative site map at the end of Exhibit C-1 and date stamped January 12, 2016.

**Condition 7.** Sixty-six (66) bicycle parking spaces as specified in the Public Works Design Manual shall be provided within three months of approval of the Special Use Permit.

Section 30-236 states that special use permits will expire within 12 months of approval, if the petitioner does not take action on the approved permit. The issuance of building permits and the initiation of interior demolition and construction is required to demonstrate that action has been taken on the special use permit. If the use granted by a special use permit ceases to operate for a period of 12 months or more, then the permit becomes void.

Petition PB-15-157 SUP  
January 28, 2016

Respectfully submitted,



Ralph Hilliard,  
Planning Manager



Prepared by: Dean Mimms, AICP  
Lead Planner

**Table 1**

**Adjacent Existing Uses**

<b>North</b>	Single-family residential
<b>South</b>	NW 8 <sup>th</sup> Avenue (4-lane, City of Gainesville arterial roadway)
<b>East</b>	Littlewood Elementary School
<b>West</b>	Single-family residential

**Adjacent Zoning and Land Use and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	SF – Single-Family (up to 8 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre)
<b>South</b>	NW 8 <sup>th</sup> Avenue (south of which is SF)	NW 8 <sup>th</sup> Avenue (south of which is RSF-1)
<b>East</b>	E - Education	ED (Educational services district)
<b>West</b>	SF – Single-Family (up to 8 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre)

## **List of Appendices**

### **Appendix A Comprehensive Plan GOPs**

Exhibit A-1 Comprehensive Plan GOPs

### **Appendix B Supplemental Documents**

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Zoning

Exhibit B-3 Sec. 30-51 – Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4)

Exhibit B-4 Sec. 30-103 – Private Schools

Exhibit B-5 Special Use Permit Regulations

### **Appendix C Application Package**

Exhibit C-1 Application

Exhibit C-2 Applicant e-mails

- a. Additional information re: parking; daycare, after school program, and K-12 school hours
- b. Request for reduction in bicycle parking