

Conditional Use Permit	107 Centerpoint Road
CUP-21-10	107 Centerpoint Daycare



Summary

Request:	A Conditional Use Permit to allow a day care center in FD zoning		
Applicant:	Jason Harris P.O. Box 1784 San Marcos, TX 78666	Property Owner:	Centerpoint Hunter Partners LLC 328 Seguin Ave. New Braunfels, TX 78130
CUP Expiration:	N/A	Type of CUP:	Day Care Center
Interior Floor Area:	6,724 sq ft	Outdoor Floor Area:	0
Parking Required:	Adequate parking for faculty and administrative personnel	Parking Provided:	No, required as a condition
Days & Hours of Operation:	Monday - Friday: 7:30 a.m. – 5:30 p.m.		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	N/A	Personal:	April 8, 2021
Response:	None as of the date of this report		

Property Description

Legal Description:	Edward Burleson Survey, Tract 1&2, Acres 7.244		
Location:	Near the intersection of Centerpoint Road and Hunter Road		
Acreage:	7.244 +/-	PDD/DA/Other:	N/A
Existing Zoning:	Future Development (FD)	Proposed Zoning:	Same
Existing Use:	Funeral Services	Proposed Use:	Private School/Day Care Center
Preferred Scenario:	Medium Intensity	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	9
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Future Development (FD)	Residential	Medium Intensity
South of Property:	Paso Robles PDD	Vacant	Medium Intensity
East of Property:	Future Development (FD)	Vacant	Medium Intensity
West of Property:	Paso Robles PDD	Residential/Vacant	Open Space/Low Intensity

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions / Alternate	Denial
<ol style="list-style-type: none"> 1. Adequate off-street parking for faculty and administrative personnel shall be provided. 2. The required number of off-street parking stalls shall be determined based off the projected number of staff members at the projected full enrollment. 3. Required parking shall meet City standards and specifications for all-weather surfaces. 4. The permit shall be effective upon the issuance of a Certificate of Occupancy. 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Shavon Caldwell	Title: Planner	Date: April 21, 2021

History

The proposed Early Childhood Learning Center and Leadership Academy is a private, tuition based, year-round school that will offer programming to children ranging in ages from 3-9 years old.

This property was annexed in 2015 and zoned Future Development (FD). Section 5.1.1.2 of the San Marcos Development Code requires an approved Conditional Use Permit to operate daycare centers in FD zoned districts.

Additional Analysis

The applicant has stated that the Learning Center will enroll a maximum of 60 students in the first year of operation and will have a total of 7 staff members. A total enrollment of 80 students and 9 staff members is projected in year 3 of the Learning Center being open. The applicant has stated this is the max enrollment being considered for the program at this location.

Currently there are no dedicated, off street parking spaces provided at 107 Centerpoint Road. Those visiting or using the facility park on the unimproved gravel parking area adjacent to the turnaround. Section 7.1.1.1.E.(1) of the Development Code states that *"..a change in use must comply with the parking requirements unless the newly proposed use has the same or lesser parking demand than the previous use.."*. Section 7.1.4.2.E. requires that parking areas be paved and meet City standards and specifications for all weather surfaces. Table 7.1 of the Development Code requires private schools to provide a minimum number of spaces that *"..provide adequate off street parking for faculty, administrative personnel, and athletic events.."* Staff has included the installation of off-street parking meeting these requirements as a recommended condition of approval.

This Learning Center will require a Certificate of Occupancy to operate.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of this request</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <i>Future Development districts are intended to serve as a temporary zoning district for properties that shall develop in the future and are not ready to be zoned for a particular use. However, the structures on this property were already constructed and in use when the property was annexed in 2015.</i> <i>Future Development districts allow for a very small number of uses among them being agricultural, single family residential, and public/institutional uses. Along with places of worship, schools, colleges, and libraries, day care centers are considered public/ institutional uses that can be considered appropriate in FD districts with an approved CUP.</i>
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. <i>The properties directly East and South of the proposed learning center are currently vacant. Residential uses are proposed and currently under development in the adjacent Kissing Tree development. However, these uses are located across from Hunter Road which is approximately 140-foot-wide in this location. There are also existing residential uses North of the property however these uses are located approximately 1,000 feet from the proposed center. The other existing uses on the site are under single ownership, are commercial, and are generally permitted in the same districts as day care centers.</i> <i>No adverse impacts to adjacent developments such as traffic, noise, odors, visual nuisances, drainage or other adverse effects are anticipated as a result of this use.</i>
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood. <i>The proposed use does not generate pedestrian and vehicular traffic that is hazardous or conflicts with the existing or anticipated traffic in the neighborhood.</i>

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No adverse effects, including visual impacts, on adjacent properties are anticipated.</i>
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.