



## Legislation Details (With Text)

**File #:** 2015-3732      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 9/2/2021      **In control:** City Commission

**On agenda:** 9/20/2021      **Final action:** 9/20/2021

**Title:** Public Hearing - Resolution No. 2021-35, Conditional Use request for a Daycare facility located at 988 Elkcam Boulevard - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Economic Development - Work with existing businesses to expand/grow.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. MAPS, 3. CU Letter, 4. Cond Use Site Plan- 988 Elkcam Blvd, 5. City Commission Agenda Memo for 8-16-21, 6. DRC Recommendation Staff Report\_Septic, 7. Resolution No. 2021-35

Date	Ver.	Action By	Action	Result
9/20/2021	1	City Commission	accept	
9/20/2021	1	City Commission		
9/20/2021	1	City Commission	adopt	Pass

**TO:** Mayor and Commission

**AGENDA DATE:** 9/20/2021

**FROM:** Mr. John A. Peters, III, Acting City Manager      **AGENDA ITEM:** 6 - C

**SUBJECT:**

Public Hearing - Resolution No. 2021-35, Conditional Use request for a Daycare facility located at 988 Elkcam Boulevard - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Economic Development - Work with existing businesses to expand/grow.

**LOCATION:**

988 Elkcam Boulevard, located along and north of the Elkcam Boulevard corridor between its intersections with Venus Avenue and East Union Circle.

**BACKGROUND:**

The applicant is requesting a change of use for property located at 988 Elkcam Boulevard. The property was developed in 1974 with an approximately 3,408 square foot main structure on a Deltona Lakes platted tract. The existing institutional use is a House of Worship use previously known as First Church of Christ Scientist. The proposal is to redevelop/repurpose the existing House of Worship use to a daycare facility supporting a maximum capacity of 70 children. The current landowner, Trinity Assembly of God of Deltona, wants to relocate their existing daycare center from 875 Elkcam Boulevard to the 988 Elkcam Boulevard site.

For more information see the attached staff report and related supporting materials.

At the August 18, 2021, Planning and Zoning Board hearing, the Board voted to recommend the City Commission approve Resolution No. 2021-35, granting a Conditional Use for a daycare use located at 988 Elkcarn Boulevard with the following added conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road. Note: this site will be served by an on-site septic system. However, to ensure City environmental protection goals are implemented, the system will be an advanced treatment, aerobic design. The allowance of the aerobic on-site waste water disposal system for the 988 Elkcarn Blvd. site was approved by the City Commission on August 16, 2021.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub density, per table 110-5 in Section 110-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per Section 110-808(f)(1)a. of the City's Land Development Code.
4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with Section 110-808(j) of the City of Deltona Land Development Code.

Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Ron A. Paradise, Director, Planning and Development Services Director - Staff recommends the City Commission approve Resolution No. 2021-35, granting a Conditional Use for a Daycare facility located at 988 Elkcarn Boulevard with the following conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub density, per table 110-5 in Section 110-808, as well as, provide

foundation plantings along the front of the building which faces the street or parking area per Section 110-808(f)(1)a. of the City's Land Development Code.

4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with Section 110-808(j) of the City of Deltona Land Development Code.

**POTENTIAL MOTION:**

"I hereby move to approve Resolution No. 2021-35, granting a Conditional Use for a Daycare facility located at 988 Elkcarn Boulevard with the following conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub density, per table 110-5 in Section 110-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per Section 110-808(f)(1)a. of the City's Land Development Code.
4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with Section 110-808(j) of the City of Deltona Land Development Code.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like."

..**END**