



Staff Report

To: City Commission
From: Brandon Hatch, Planner I
Planning and Development Services
Date: October 21, 2024
Re: Project No. CU24-0004, Resolution No. 2024-41, granting a Conditional Use to permit a daycare center at 3026 Howland Boulevard.

Summary of Application:

Applicant: Christopher Casey P.E. / Zahn Engineering
Request: Conditional Use Application
Tax Parcel No.: 8108-00-00-0031
Property Acreage: ±1.37 acres
Property Location: 3026 Howland Boulevard. The property is located on the North side of Howland Boulevard, +/- 558 east of Loblolly Street and +/- 697 west of Martin Luther King Junior Boulevard in the Northwest corner of the City.
Legal Description: Begin at the Northwest corner of the Northeast 1/4 of the Northwest 1M, Section 8, Township 18 South, Range 31 East, Volusia County, Florida; thence run N 88°46'08" E, 2894.68 feet to the Point of Beginning; thence continuing N 88°46'08" E, 200 feet; thence S 01°16'00" E., 297.61 feet to the North Right of Way line of State Road No. 444; thence S 88°44'00" W, along said right of way line 200 feet; thence N 01°16'00" W, 297.73 feet to the Point of Beginning. Also known as Parcel 13.

Existing Zoning:

1. **Subject Property:** C-2, General Commercial

2. **Adjacent Properties:**

North: R-3, Urban Single-Family Residential (Volusia County)

South: C-2, General Commercial

East: C-2, General Commercial

West: C-2, General Commercial

Background:

The applicant requests Conditional Use approval to operate a 10,653 square foot daycare center at 3026 Howland Boulevard. The property is currently vacant and once contained a single-family dwelling that was built in 1995 and later demolished. The property is zoned C-2, General Commercial. The applicant is proposing a 10,653 square foot daycare center.

Astute Children's Academy will operate with 12 staff members, and cater to a maximum of 152 children, 0 to 5 years of age with the hours of operation being Monday through Friday from 7:00 am to 5:00 pm, with after-hours care being offered until 9:00 p.m.

Under the C-2, General Commercial, zoning district a daycare facility requires approval of a conditional use, therefore a conditional use is being requested.

A conceptual site plan has been submitted to demonstrate the proposed onsite and offsite improvements. The improvements to the subject property include the following:

Driveway: For fire and life safety concerns, the applicant has proposed a drop off lane to ensure adequate access in and out of the parking lot. This will assist with maintaining the flow of traffic during drop off and pick up of children, as well as avoid the stacking of vehicles on the local roads. Additionally, busses are proposed to be used to transport the majority of children from predetermined pickup and drop off locations with academy staff escorting them to and from the daycare center.

Off-Street Parking: To accommodate customers and staff members the applicant is proposing 29 parking spaces with two (2) dedicated handicap parking spaces. Per the Land Development Code, Section 110-828, the required number of parking spaces is based on the number of children and staff. For a maximum of 152 children and 12 staff a minimum of 28 parking spaces would be required.

Solid Waste: The dumpster enclosure is proposed to be located off of the drop-off lane, away from the parking area.

Landscaping: To comply with landscaping requirement in Section 110-808 of the City's LDC, the applicant has proposed plantings of shrubbery and trees within all applicable landscape buffers. The applicant has provided staff with conceptual landscape plans.

Support Information:

- **Potable Water:** DelNorth, Volusia County Utilities.
- **Sanitary Sewer:** DelNorth, Volusia County Utilities.
- **Fire Protection:** Deltona Fire Station Number 65.
- **Law Enforcement:** Volusia Sheriff's Office (VSO).
- **Electricity:** Duke Energy.

Matters for Consideration:

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for Conditional Use:

1. Is the proposed use consistent with the intent of chapter 110?

The proposed daycare center at 3026 Howland Boulevard is consistent with Chapter 110. The site is zoned C-2, General Commercial in which a daycare center is listed as a Conditional Use (LDC, Section 110-316(c)). Staff is currently working to update the zoning regulations within the LDC. Once the update is adopted, a daycare center will be an allowable use within the C-2 zoning.

2. Is the proposed use consistent with the Comprehensive Plan?

An analysis of the below Comprehensive Plan provisions indicate the proposed Conditional Use is consistent with the City Comprehensive Plan.

Policy FLU1-5.12

In implementing the Future Land Use Element, the City shall develop and adopt regulations to ensure to the maximum extent feasible, compatibility of use of areas and properties, including but not limited to such factors as traffic circulation, air quality and odor control, noise control, lighting and aesthetics.

Daycare centers are considered a Conditional Use allowed within commercial districts and serve the needs of a neighborhood and community at large. Therefore, the daycare is compatible with the character of the surrounding area. The applicant has provided a conceptual site plan depicting the proposed parking facility and drop off lane which complies with the LDC, to avoid stacking of vehicles on Howland Boulevard. Existing trees will be maintained, and additional landscaping will be planted within the required landscape buffers, and along the right-of-way line. The dumpster enclosure will be constructed to meet City Specifications and properly screened (LDC, Section 110-808(j)). These improvements will aesthetically improve the site.

3. Will the proposal adversely affect the public interest?

The proposed daycare center use will have a positive effect on the public's interest. This will provide employment as well as serve the needs of the community at large, by providing quality care for adolescents. Deltona currently is in need of daycares.

4. Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?

Yes, the applicant can meet all City Conditional Use regulations per Section 110-817 of the City's LDC.

5. Comply with the City's Code of Ordinances, the Florida Building Code, and the Florida Fire Prevention Code.

To ensure the new use conforms to the City's Code of Ordinances, the Florida Building Code, and the Florida Fire Prevention Code, staff shall require Final Site Plan review in addition to this application. The current proposal is consistent with various sections within Chapter 110 of the City's LDC regarding zoning, landscaping, and parking requirements.

6. Protect public health, safety, and welfare to ensure basic function operation, including, but not limited to, full utilities, access management in chapter 96, off-street parking in section 110-828, and solid waste in Chapter 50.

The proposed Conditional Use will not have an effect on the health, safety, and welfare of the public. The applicant has submitted a conceptual site plan illustrating adequate parking, and a separate drop off lane to ensure the fluid movement of vehicles, avoid stacking, and congestion on the local roads including the planned use of busses to take children to and from the Daycare.

7. Will the applicant be able to meet all requirements imposed by federal, state or local governments?

Yes, the applicant has submitted a Conditional Use conceptual site plan, and the DCF zoning letter to meet all requirements imposed by federal, state or local government.

8. Will the proposed use generate undue traffic congestion?

The proposed use will not generate undue traffic congestion. The applicant states the school will serve a maximum of 152 children with a support staff of 12 employees between the hours of 7:00 a.m. and 5 p.m. with after-hours care being offer to 9:00 p.m. Based on the 11th Edition Institute of Traffic Engineers (ITE) Manual a daycare center with 152 children enrolled is estimated to generate 622 average daily trips (ADTs) including 120 a.m. peak hour trips and 123 p.m. peak hour trips. The facility has adequate parking, and through the utilization of busses for child transport, this will lower the amount of incoming and outgoing daily trips.

9. Will the proposed use create a hazard, public nuisance or be dangerous?

The daycare center is not expected to create any hazard, public nuisance or to be dangerous.

10. Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?

No, the daycare center use will not materially alter the character of the surrounding neighborhoods or the value of the surrounding land. The applicant will be providing onsite improvements to improve this site.

11. Will the proposed use adversely affect the natural environment, natural resources or scenic beauty or cause excessive pollution?

No, the proposed use will not adversely affect the natural environment because the land is currently undeveloped.

Conclusion/Staff Recommendation:

Based on decision making criteria, staff supports the City Commission approving Resolution 2024-0041 granting a Conditional Use for the daycare center use to be located at 3026 Howland Boulevard. with the following added conditions:

1. A maximum occupancy of 152 children with 12 staff has been approved. If the occupancy load exceeds 152 students with 12 staff, a revision shall be submitted to Planning and Development Services for determination and approval by the DRC, to ensure there is adequate parking for the occupancy increase. Additionally, a letter of approval from DCF will be required.
2. The daycare center must meet all applicable Florida Statutes requirements.
3. A Business Tax Receipt is required.
4. A final site plan is required.