

PUBLIC HEARINGS

CITY COUNCIL
JANUARY 27, 2004

To: Mayor and City Council

From: George J. Rodericks, City Manager **GR**

SUBJECT: Consideration of Conditional Use Permit No. 0551; Operation of a Large Family Day Care Home – Location: 9912 Colony Grove Lane (Kaja & Don Donikowski)

BACKGROUND

The applicants are requesting permission to continue operation of a Large Family Day Care Home from a residential zone.

Resolution No. 2003-2705 approved Conditional Use Permit No. 0551 in September 2003 with the condition that the use be reviewed in January 2004 after completion of a traffic study to address traffic patterns and flow. If it is determined that the use is not compliant with the conditions of approval or the use has substantially changed, the Conditional Use Permit may be revoked and/or resubmitted for review and approval. If it is determined to be in compliance, the permit shall be modified and/or approved annually thereafter.

A traffic study has been completed and is attached to this Staff Report. The applicant has remained compliant with all conditions of approval.

AUTHORITY

The California Health and Safety Code, Section 1597, regulates the operation and permitting of Large Family Day Care Homes. Relevant excerpts from the Code are attached as Exhibit "A." Specifically, the Code specifies that a city shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:

1. Classify these homes as a permitted use of residential property for zoning purposes;
2. Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes; or
3. Require any large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes. Any noise standards shall be consistent with local noise ordinances and shall take into consideration the noise

levels generated by children. The City shall give notice of the proposed use by mail to all owners within a 100 foot radius of the exterior boundaries of the home.

The City's Zoning Code requires that any accessory use not expressly permitted may be permitted subject to a Conditional Use Permit. To be consistent with the City's Zoning Code, staff selected alternative three and required the applicant to submit a Conditional Use Permit.

Conditional Use Permits

In order to give the City's current zoning regulations the flexibility necessary to achieve the objectives of the Zoning Code, the City Council has the authority to permit conditional uses subject to the approval of a Conditional Use Permit. Because of their unusual characteristics, Conditional Use Permits require special review and consideration so that they may be located properly with respect to the objectives of the City's zoning regulations and with respect to their effects on surrounding properties. To achieve these objectives, the City Council is empowered to grant and to deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. The City Council shall make the following findings before granting a Conditional Use Permit:

- 1) The project is in accord with the objectives of the Villa Park Zoning Code and the purpose of the Zone in which it is located.
- 2) The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- 3) The project complies with all applicable provisions of the Zoning Code.

Article 23-6.6 of the Villa Park Municipal Code requires a Conditional Use Permit for all accessory uses not expressly permitted.

FINDINGS

The subject property is located at 9912 Colony Grove Lane and is in the E4 Small Estate zoning district. The lot area is approximately 20,000 square feet and surrounding uses are residential.

During November and December 2003 a traffic analysis was conducted to determine the impact on Colony Grove Lane and the potential for use of a Taft Avenue drop-off location.

The traffic analysis concluded that the operation of the Large Family Day Care could increase vehicle trips on Colony Grove Lane by as much as 60 trips per day. During the Day Care's peak hours, on-street parking may briefly overflow onto adjacent residential street frontage due to lack of available on-site parking.

The report also concluded that while the increased traffic volume and periods of on-street parking may be a nuisance issue for the neighborhood, the increase in traffic does not significantly impact the capacity or operation of Colony Grove Lane to the extent that loading and unloading activities should be relocated to the Taft Avenue gate, a less safe location.

The report concluded that efforts by the applicant with respect to carpooling and arrival and departure scheduling can significantly lessen any traffic and parking demands.

CEQA COMPLIANCE

This project is exempt from requirements of the California Environmental Quality Act.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application, with conditions.

APPROVAL MOTION

Adopt Resolution No. 2003-2724, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0551, for operation of a Large Family Child Care Home, with conditions; Location: 9912 Colony Grove Lane.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. The use shall remain in compliance with the conditions of approval.
2. If the use is discontinued for a period of six-months, this Conditional Use Permit shall lapse and become void.
3. This Conditional Use Permit shall be reviewed annually by the City Manager and Community Development Committee to determine if the use remains compliant with the conditions of approval and to address traffic patterns and flow. If it is determined that the use is not compliant with the conditions of approval or the use has substantially changed, the Conditional Use Permit shall be revoked and/or resubmitted for review and approval. If it is determined to be in compliance, the permit shall be modified and/or approved annually thereafter.

4. Parking for any employees associated with the use shall be provided on the property and shall be utilized. There shall be no parking of employees allowed on the adjacent public street. License numbers and vehicle descriptions for all employee vehicles shall be kept on file at City Hall.
5. The applicant shall encourage carpooling and the scheduling of arrival and departure times to lessen the traffic impact of the use on Colony Grove Lane.
6. The applicant shall provide all patrons with written notification of the parking concerns on Colony Grove Lane and encourage their compliance with all parking, speed, and traffic regulations.
7. With the exception of any overriding conditions of approval through this Conditional Use Permit, all standards for operation of a Home Occupation under the City's Zoning Code shall apply.