

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 23-007

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO RECOGNIZE AN EXISTING SCHOOL AND DAYCARE AND ALLOW FOR THE PLACEMENT OF THREE MODULAR CLASSROOM BUILDINGS AS PART OF A SCHOOL EXPANSION ON PROPERTY LOCATED AT 1836 KATHLEEN ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application has been filed by Sarah Case, Next Level Planning & Permitting, on behalf of owner Ryan & Selena LLC, for a conditional use to recognize an existing school and daycare and allow for the placement of three modular classroom buildings as part of a school expansion on property located at 1836 Kathleen Road, as more particularly described on Attachment “A” and graphically depicted on Attachments “B” and “C,” attached hereto (the “Property”); and

WHEREAS, on January 18, 2023, the Planning and Zoning Board held a public hearing on the request of the applicant to have such conditional use granted; and

WHEREAS, the Planning and Zoning Board approved the request on January 18, 2023 and recommended to the City Commission that the conditional use be granted; and

WHEREAS, following a duly-noticed public hearing at which all interested persons were afforded the opportunity to be heard, the City Commission finds that

the request of the applicant for a conditional use as described above should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. A conditional use for a school/daycare on the Property is hereby approved, subject to the following conditions:

- A. Permitted Uses: A daycare and a private school which provides instruction to students in grades Pre-K – 8, and those accessory uses typically associated with a school of this grade level.
- B. Maximum Enrollment: 174 students
- C. Development Standards: In accordance with RA-4/Urban Neighborhood context sub-district standard, except as otherwise provided herein.
- D. Site Development Plan: School operations shall be in substantial accordance with the site plan included as Attachment “C.” Site plan review will be required prior to the construction of the first building. With the approval of the Director of Community and Economic Development, minor adjustments may be made at the time of site plan review without requiring a modification of this conditional use.
- E. Buffering and Landscaping:
 - 1. Adjacent to W. Elliott Street, a Type A buffer consisting of a six-foot high fence or wall with at least 90% percent view blockage and a 7.5-foot wide landscape strip consisting of a 16 shrubs and 4 “B” (Medium) trees per 100 linear feet or fraction thereof shall be established. The specific trees and other plantings used shall be subject to review and approval by Parks and Recreation at the time of site plan review.
 - 2. Where a vehicle use area is adjacent to a street, a frontage buffer consisting of a Type “A” hedge and 10 “C” (Small) trees per 100 linear feet or fraction thereof shall be established. The specific trees and other plantings used shall be subject to review and approval by Parks and Recreation at the time of site plan review.
- F. Design Standards for Principal Buildings: At the time of building permit review, the three proposed modular classroom buildings depicted on Attachment “C” shall be reviewed for compliance with the architectural materials requirements specified by sub-section 3.4.73 of the Land Development Code.

- G. A solid waste collection bin and enclosure shall be installed prior to the issuance of the first Certificate of Occupancy, subject to the conditions of a required building permit, in compliance with all Land Development Code and City Public Works Department requirements.
- H. Transportation:
1. Binding Concurrency Determinations shall be made at the time of site plan submittal.
 2. All queuing for the drop-off and pick-up of students shall occur on site. In no case shall vehicles be allowed to queue on public right-of-way or property not owned by Head of the Class Learning Center.
 3. The site's design and operations shall comply with any and all Florida Department of Transportation (FDOT) permitting requirements.
 4. The operation of the existing W. Elliott Street driveway is subject to an analysis at the time of site plan submittal.
 5. A sidewalk shall be constructed along the site's W. Elliott Street frontage, from the State Road 539 (Kathleen Road) sidewalk to the western property boundary.
 6. Bicycle parking shall be provided in compliance with Section 4.11.6 of the City Land Development Code and Index 900 of the City Engineering Standards Manual.

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885.

SECTION 4. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 20th day of February, A.D.

2023.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

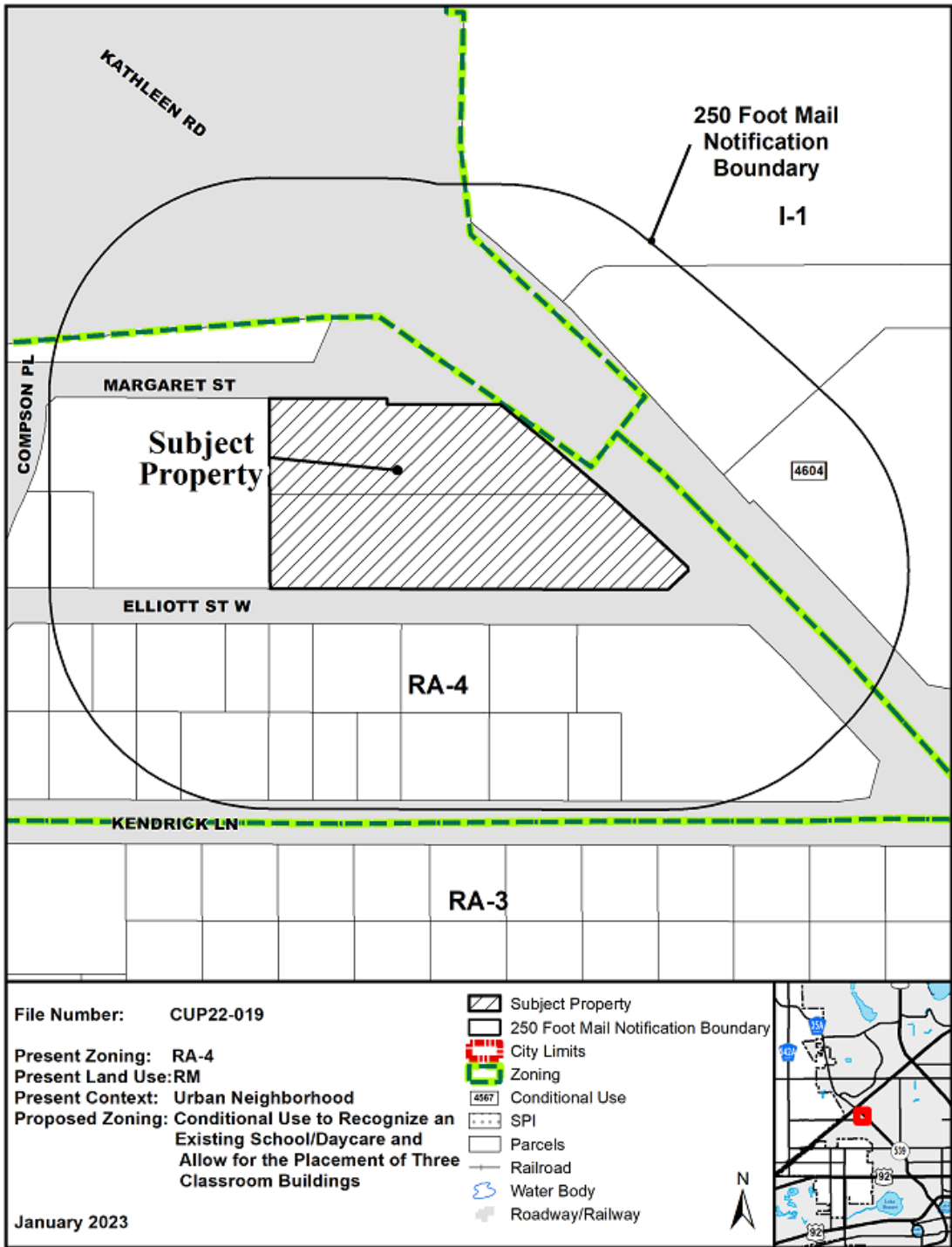
APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

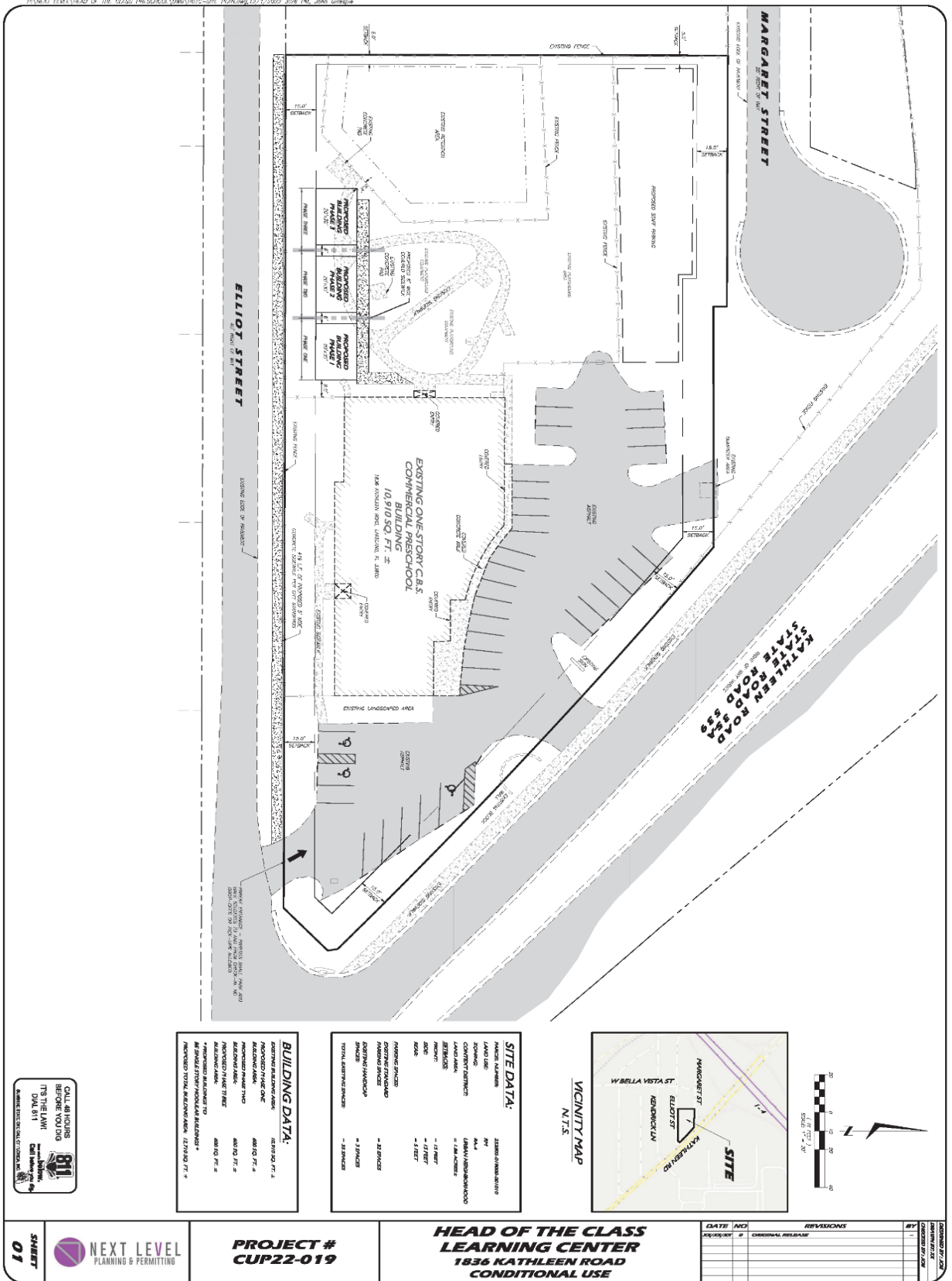
Legal Description:

OVEIDA HTS PB 20 PG 35 BLK 1 LOTS 1 THRU 9 & THAT PT OF SW1/4 OF SEC MORE PART
DESC AS: BEG SE COR OF LOT 1 BLK 1 OVEIDA HEIGHTS AS REC IN PB 20 PG 35 RUN W
527.2 FT M/L TO SW COR LOT 9 BLK 1 N 216.45 FT M/L TO S R/W MARGARET ST E ALONG
S R/W LINE 309.6 FT M/L TO R/W KATHLEEN RD SELY ALONG R/W TO POB LESS RD R/W
& LESS ADDL R/W FOR I-4 AS DESC IN OR 5261 PG 277 & LESS ADDL R/W FOR I-4 AS IN
OR 5995 PG 2269.

ATTACHMENT "B"



ATTACHMENT "C"



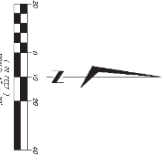
ELLIOT STREET
42' WIDE OF ASP.

MARGARET STREET
EXISTING ROAD 20' WIDE

KATHLEEN ROAD
STATE ROAD 559
40' WIDE OF ASP.

EXISTING ONE STORY C.B. COMMERCIAL PRESCHOOL
10,910 SQ. FT. ±
1836 KATHLEEN ROAD, KATHLEEN, N.J. 07033

PERMITTED TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE TOWNSHIP OF KATHLEEN, NEW JERSEY. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.



SITE DATA:

| | |
|--|---------------------------------|
| PARCEL NUMBER | 22800-00000001010 |
| LAND USE | NU |
| ZONING | MU-1 |
| COMMITMENT | UNLAWFUL/UNRECORDED |
| SETBACKS | FRONT = 10' SIDE = 5' REAR = 5' |
| AREA | 10,910 SQ. FT. |
| PERMITTED TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE TOWNSHIP OF KATHLEEN, NEW JERSEY. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES. | |

BUILDING DATA:

| | |
|--------------------------|------------------|
| EXISTING BUILDING ONE | 10,910 SQ. FT. ± |
| PROPOSED BUILDING ONE | 485 SQ. FT. ± |
| PROPOSED BUILDING TWO | 485 SQ. FT. ± |
| PROPOSED BUILDING THREE | 485 SQ. FT. ± |
| TOTAL PROPOSED BUILDINGS | 1455 SQ. FT. ± |

CALL 88 HOURS BEFORE YOU DIG IT'S THE LAW! DIAL 811

811 logo with text: CALL 88 HOURS BEFORE YOU DIG IT'S THE LAW! DIAL 811

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------|
| 1 | 01/15/2022 | PRELIMINARY |
| 2 | 02/10/2022 | REVISIONS |
| 3 | 03/05/2022 | REVISIONS |
| 4 | 04/01/2022 | REVISIONS |
| 5 | 05/01/2022 | REVISIONS |
| 6 | 06/01/2022 | REVISIONS |
| 7 | 07/01/2022 | REVISIONS |
| 8 | 08/01/2022 | REVISIONS |
| 9 | 09/01/2022 | REVISIONS |
| 10 | 10/01/2022 | REVISIONS |
| 11 | 11/01/2022 | REVISIONS |
| 12 | 12/01/2022 | REVISIONS |

HEAD OF THE CLASS LEARNING CENTER
1836 KATHLEEN ROAD
CONDITIONAL USE

PROJECT # CUP22-019

NEXT LEVEL PLANNING & PERMITTING

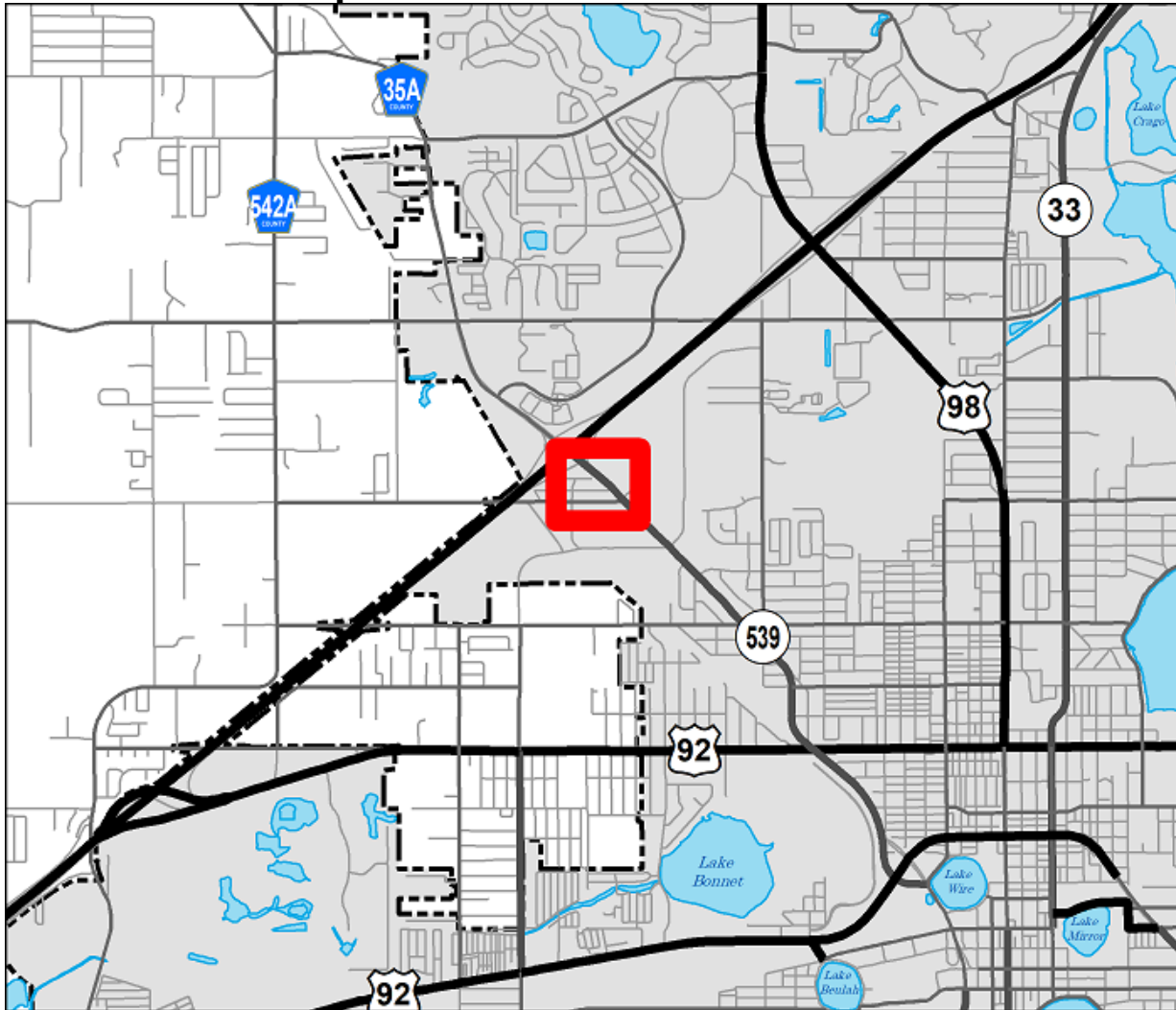
SHEET 01



Planning & Zoning Board Recommendation

| | | | |
|-------------------|---|---------------------|-------------------------|
| Date: | February 6, 2023 | Reviewer: | Damaris Stull |
| Project No: | CUP22-019 | Location: | 1836 Kathleen Road |
| Owner: | Ryan & Selena LLC | | |
| Applicant: | Sarah Case, Next Level Planning & Permitting | | |
| Current Zoning: | RA-4 (Single-Family) | Future Land Use: | Residential Medium (RM) |
| Context District: | Urban Neighborhood (UNH) | | |
| P&Z Hearing: | January 18, 2023 | P&Z Final Decision: | January 18, 2023 |
| Request: | Conditional use to recognize an existing school/daycare and allow for the placement of three modular classroom buildings as part of a school expansion on property located at 1836 Kathleen Road. | | |

1.0 Location Maps





2.0 Background

2.1 Summary

Sarah Case, Next Level Planning & Permitting, requests a conditional use to recognize an existing school/daycare and allow for the placement of three modular classroom buildings as part of a school expansion on property located at 1836 Kathleen Road. A map of the subject property is included as Attachment “B.”

2.2 Subject Property

The subject property is approximately 1.86 acres in area and currently improved with a one-story, 10,992 sq. ft. building which was constructed in 1976 according to the Polk County Property Appraiser records. The subject property is zoned RA-4 (Single-Family Residential) and located within the Urban Neighborhood context district.

2.3 Project Background

The purpose of this request is to obtain a conditional use approval which will recognize the existing school and daycare and allow for the placement of three new modular classroom buildings. A site development plan which shows the location of existing building footprints, off-street parking, outdoor play facilities and the proposed modular classrooms is included as Attachment “C.”

2.4 Existing Uses of Adjacent Properties

| Boundary | Existing Land Use | FLUM | Zoning | Context |
|----------|------------------------------------|------|--------|---------|
| North | Interstate 4 Right-of-Way | RM | RA-4 | UNH |
| South | Single-Family Residential | RM | RA-4 | UNH |
| East | Vacant Light Industrial Commercial | IAC | I-1 | USP |
| West | Single-Family Residential | RM | RA-4 | UNH |

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Site Development Plan

3.0 Discussion

The RA-4 zoning classification has been in place since 1995 when the property was downzoned from C-2 (Highway Commercial) as part of a city-wide zoning conformance action. According to City records, a school and daycare have been in operation on the property since at least 1992, which means the use predates the current zoning. Therefore, the existing use is considered to be legal, nonconforming. As a legal nonconforming use, the school and daycare may continue to operate indefinitely provided that the use is not discontinued for a period of 365 consecutive days or longer. As a legal nonconforming use, however, expansion of the school and daycare is not permitted.

The current tenant, Head of the Class Learning Center (HCLC), has operated a preschool and daycare on the property since 2005. Within the last decade, HCLC expanded its programming to include elementary education for grades K – 5 with no changes to the footprint of the building.

Under the RA-4 zoning, schools and childcare facilities may be permitted through the conditional use process if determined to be compatible with adjacent land uses. The proposed conditional use will recognize the existing school and childcare facilities and allow for the placement of three new modular classroom buildings. According to the applicant, HCLC's current enrollment is 150 students. Of the 150 students, 85 are of preschool age. As part of the conditional use, the applicant is requesting approval to expand the school component to include grades six through eight and increase the maximum enrollment from 150 to 174.

To accommodate the additional grades, the applicant is requesting approval to place three modular classroom buildings on the property. The modular units will be located to the west of the existing school building and installed in three separate phases based on student enrollment. The hours of the school will not change and there will be no extracurricular activities outside of the normal hours in which the school operates. The recommended conditions of approval address landscaping, buffering, design standards for the modular classroom buildings, solid waste facilities and transportation improvements. Site plan review is required prior to the placement of any modular classroom buildings on the property.

3.1 Transportation and Concurrency

Per the Polk Transportation Planning Organization's 2022 Roadway Network Database, the adjacent segment of State Road 539 (Kathleen Road) has an Annual Average Daily Traffic Volume of 30,000 vehicles with a two-hour average volume of 1,090 northbound and 1,047 southbound vehicles during the PM Peak. This segment currently operates at an acceptable Level of Service "C". Since this section of Kathleen Road is operated by the Florida Department of Transportation, the ultimate parking and driveway configuration will have to comply with its permitting requirements.

The subject property is served with fixed-route transit service by the Lakeland Area Mass Transit District (Citrus Connection) via its Blue Line 1. Sidewalks currently exist on both sides of Kathleen Road; however, the closest signalized crossings are at the Interstate 4 Eastbound Ramps and Interstate Drive-Fairbanks Street intersection. Sidewalks do not exist on Elliot Street, a designated local street.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community and Economic Development Department and the Board reviewed this request and recommended approval of the conditional use. Letters of notification were mailed to 24 property owners within 250 feet of the subject property and no comments were received.

4.2 The Planning & Zoning Board

This recommendation was approved by a 7—0 vote of the Board.

It is recommended that the request for a conditional use, as described above and in Attachments “A”, “B,” and “C” be approved with the following conditions:

- A. Permitted Uses: A daycare and a private school which provides instruction to students in grades Pre-K – 8, and those accessory uses typically associated with a school of this grade level.
- B. Maximum Enrollment: 174 students
- C. Development Standards: In accordance with RA-4/Urban Neighborhood context sub-district standard, except as otherwise provided herein.
- D. Site Development Plan: School operations shall be in substantial accordance with the site plan included as Attachment “C.” Site plan review will be required prior to the construction of the first building. With the approval of the Director of Community and Economic Development, minor adjustments may be made at the time of site plan review without requiring a modification of this conditional use.
- E. Buffering and Landscaping:
 - 1. Adjacent to W. Elliott Street, a Type A buffer consisting of a six-foot high fence or wall with at least 90% percent view blockage and a 7.5-foot wide landscape strip consisting of a 16 shrubs and 4 “B” (Medium) trees per 100 linear feet or fraction thereof shall be established. The specific trees and other plantings used shall be subject to review and approval by Parks and Recreation at the time of site plan review.
 - 2. Where a vehicle use area is adjacent to a street, a frontage buffer consisting of a Type “A” hedge and 10 “C” (Small) trees per 100 linear feet or fraction thereof shall be established. The specific trees and other plantings used shall be subject to review and approval by Parks and Recreation at the time of site plan review.
- F. Design Standards for Principal Buildings: At the time of building permit review, the three proposed modular classroom buildings depicted on Attachment “C” shall be reviewed for compliance with the architectural materials requirements specified by sub-section 3.4.73 of the Land Development Code.
- G. A solid waste collection bin and enclosure shall be installed prior to the issuance of the first Certificate of Occupancy, subject to the conditions of a required building permit, in compliance with all Land Development Code and City Public Works Department requirements.
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 - 2. All queuing for the drop-off and pick-up of students shall occur on site. In no case shall vehicles be allowed to queue on public right-of-way or property not owned by Head of the Class Learning Center.
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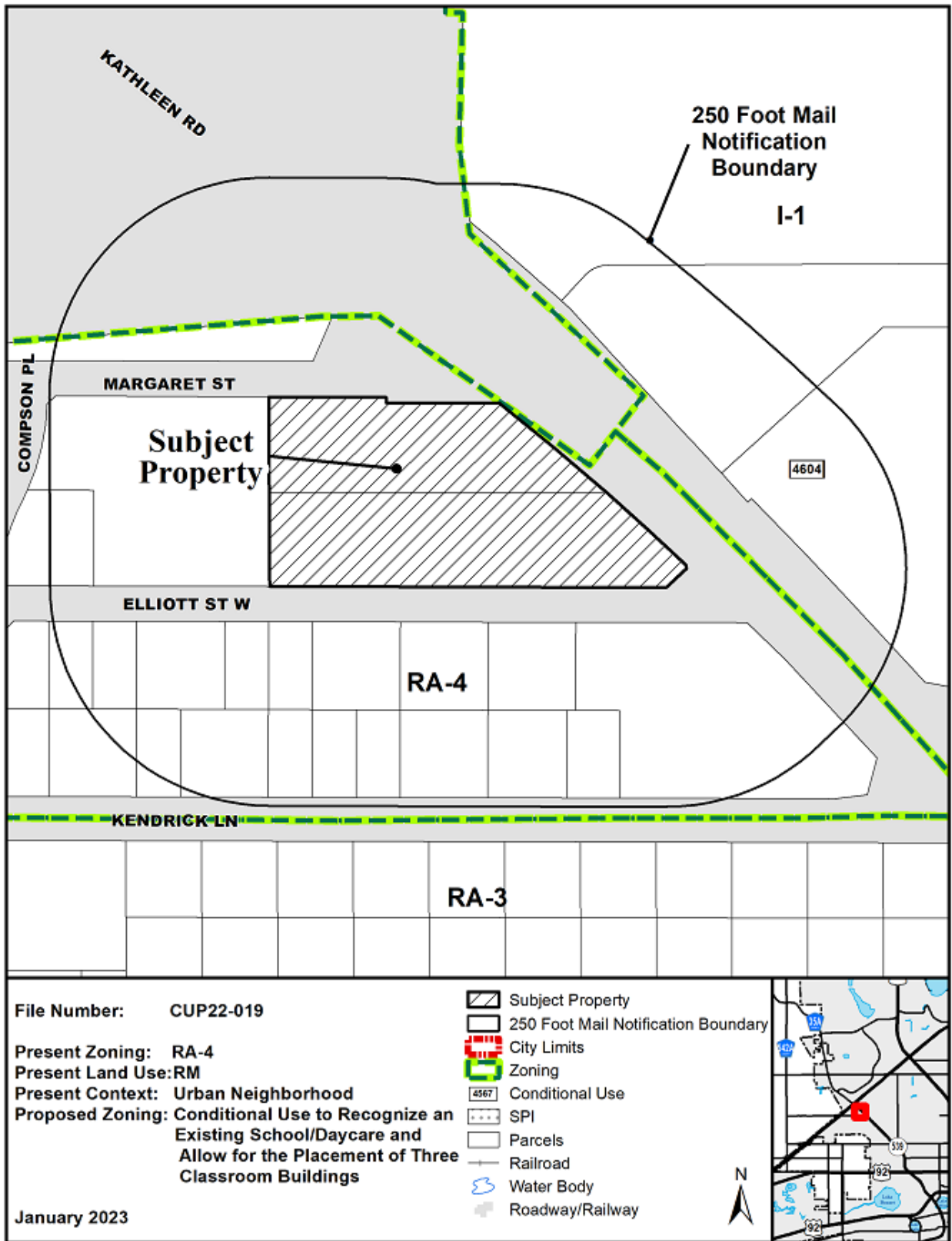
5. A sidewalk shall be constructed along the site's W. Elliott Street frontage, from the State Road 539 (Kathleen Road) sidewalk to the western property boundary.
6. Bicycle parking shall be provided in compliance with Section 4.11.6 of the City Land Development Code and Index 900 of the City Engineering Standards Manual.

ATTACHMENT "A"

Legal Description:

OVEIDA HTS PB 20 PG 35 BLK 1 LOTS 1 THRU 9 & THAT PT OF SW1/4 OF SEC MORE PART DESC AS: BEG SE COR OF LOT 1 BLK 1 OVEIDA HEIGHTS AS REC IN PB 20 PG 35 RUN W 527.2 FT M/L TO SW COR LOT 9 BLK 1 N 216.45 FT M/L TO S R/W MARGARET ST E ALONG S R/W LINE 309.6 FT M/L TO R/W KATHLEEN RD SELY ALONG R/W TO POB LESS RD R/W & LESS ADDL R/W FOR I-4 AS DESC IN OR 5261 PG 277 & LESS ADDL R/W FOR I-4 AS IN OR 5995 PG 2269.

ATTACHMENT "B"



File Number: CUP22-019

Present Zoning: RA-4

Present Land Use: RM

Present Context: Urban Neighborhood

Proposed Zoning: Conditional Use to Recognize an Existing School/Daycare and Allow for the Placement of Three Classroom Buildings

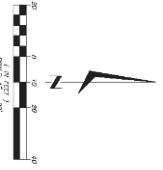
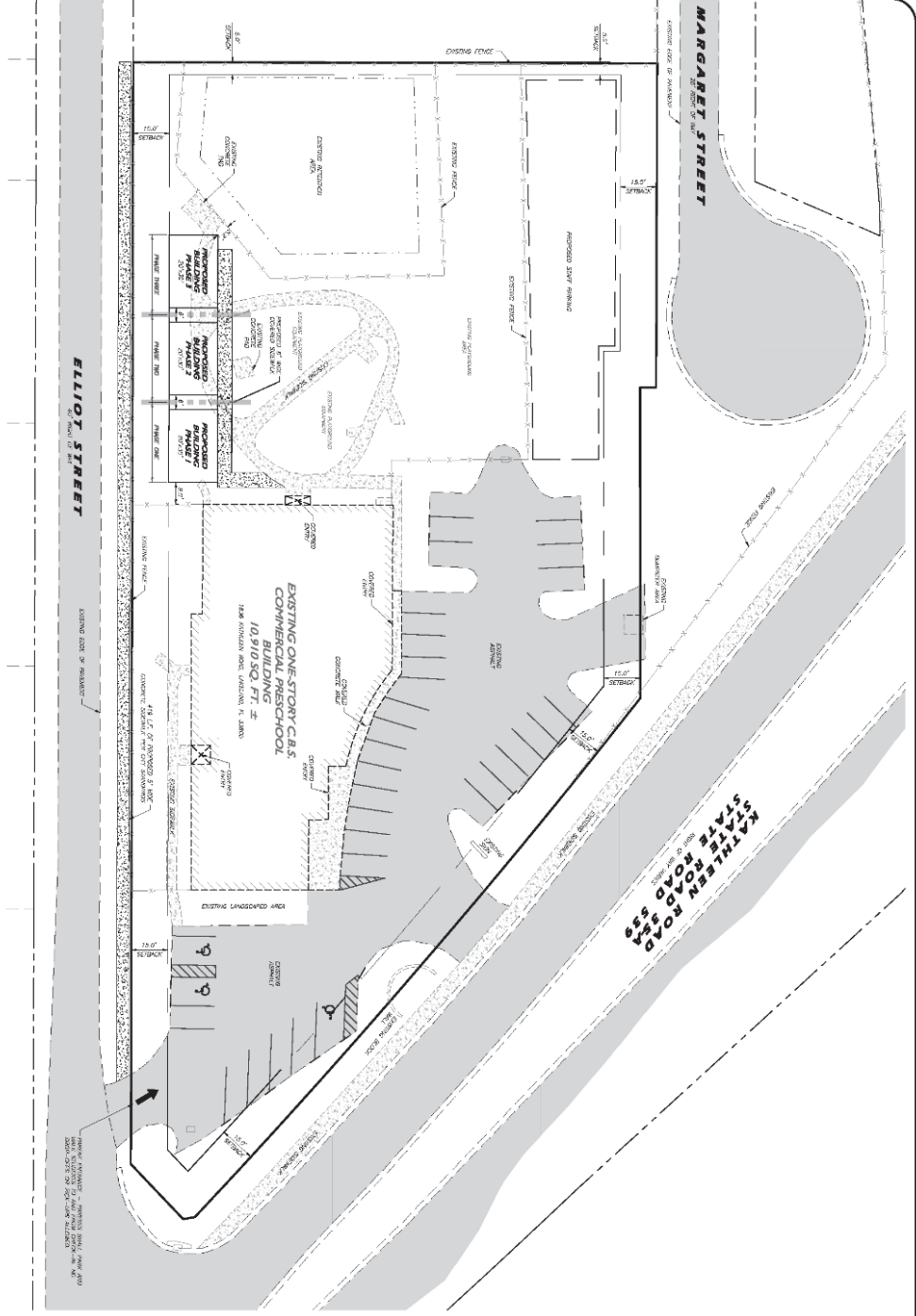
January 2023

- Subject Property
- 250 Foot Mail Notification Boundary
- City Limits
- Zoning
- Conditional Use
- SPI
- Parcels
- Railroad
- Water Body
- Roadway/Railway



ATTACHMENT "C"

PROJECT HEAD OF THE CLASS PRESCHOOL/CHILDREN'S CENTER PLAN No. 12/1/2022 2:09 PM John Gillette



VICINITY MAP
N.T.S.

SITE DATA:

| | |
|-----------------------|--|
| PROJECT ADDRESS | 1836 KATHLEEN RD. #0119 |
| PROJECT NAME | HEAD OF THE CLASS PRESCHOOL/CHILDREN'S CENTER |
| OWNER | LAURENCE W. BROWN |
| DESIGNER | LAURENCE W. BROWN |
| CONTRACT NUMBER | LAURENCE W. BROWN |
| LAND AREA | 1.64 ACRES |
| ADJACENT STREETS | ELLIOT ST. = 65 FEET KATHLEEN RD. = 65 FEET MARGARET ST. = 65 FEET |
| ADJACENT PROPERTIES | EXISTING ONE-STORY C.R.S. CHILDREN'S SCHOOL = 10,910 SQ. FT. EXISTING PAVED DRIVEWAY = 2,500 SQ. FT. EXISTING PAVED DRIVEWAY = 2,500 SQ. FT. |
| TOTAL ADJACENT SPACES | ~ 22 SPACES |

BUILDING DATA:

| | |
|------------------------------|------------------|
| EXISTING BUILDING AREA | 10,910 SQ. FT. ± |
| PROPOSED BUILDING ONE | 480 SQ. FT. ± |
| PROPOSED BUILDING TWO | 480 SQ. FT. ± |
| PROPOSED BUILDING THREE | 480 SQ. FT. ± |
| PROPOSED DRIVEWAY | 2,500 SQ. FT. ± |
| PROPOSED DRIVEWAY | 2,500 SQ. FT. ± |
| PROPOSED TOTAL BUILDING AREA | 12,790 SQ. FT. ± |

CALL 48 HOURS BEFORE YOU DIG ITS THE LAW!
DIAL 811
Call before you dig
811
NORTH CAROLINA
MARRIOTT CENTER, 1001 S. TRYON, NC 27601

SHEET 01



PROJECT # CUP22-019

**HEAD OF THE CLASS LEARNING CENTER
1836 KATHLEEN ROAD
CONDITIONAL USE**

| DATE | NO. | REVISIONS | BY |
|------|-----|------------------|----|
| | 0 | ORIGINAL RELEASE | |
| | | | |
| | | | |
| | | | |