

## **ARTICLE XIII. - SPECIAL EXCEPTIONS**

### **Sec. 158.260. - Requirements and Approval.**

Approval of a special exception application shall be granted by the City Council only upon a finding that:

- (A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.**

As part of the project site development, one new driveway access will be added that afford a looping opportunity for this expanded use. The establishment of a looping network through this site will facilitate a safer travel flow through the project site.

- (B) Adequate off-street parking, loading areas, and adequate stacking may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.**

All required onsite parking will be compliant with applicable city codes. Refer to project site plan.

- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.**

Water and sewer services are available to the project site.

- (D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.**

Refer to the attached project landscape plans. Full perimeter screening has been provided as required by code.

- (E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.**

Final signage placements will be in accord with applicable City standards.

- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.**

Refer to project landscape plans, for planting details (preliminary). Compliance with all applicable City standards shall be maintained for the term of this proposed special exception use.

- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.**

Yes, the use as proposed will be in conformance with all stated provisions and requirements of this chapter.

- (H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.**

The proposed use, a child daycare center, upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

- (I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity. The City may require certain uses such as car washes, gas stations, and other potential noise generating uses submit a noise impact analysis prepared by a qualified professional.**

We believe that the proposed use of the property as a child day care center will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

- (J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes, changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood. To minimize exposure to excessive noise, the City may require noise control features, limit hours of operation, and other mitigation methods.**

There is an existing child care center on the overall property that the applicant owns, and this application represents an expansion of those activities.

- (K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.**

Review standard acknowledged.

- (L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.**

This standard is not yet applicable.