



**Dalton Learning Academy
Special Exception Use
P25-041**



Project Aerial Map

SUMMARY

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow a K-8 private school within the Commercial General (CG) Zoning District per Section 158.124(C)(8) of the Zoning Ordinances.
Applicant:	Gail Dawkins, Dalton Learning Center, Inc.
Agent:	Austin Dingwall, AIA, Austin Dingwall Architecture, PLLC
Property Owner:	Phyl's Academy Preschools, Inc.
Location:	Located approximately 0.3 miles south of SE Lyngate Drive on the west side of S US Highway 1
Address:	10011 S US Highway 1
Project Planner:	Bethany Grubbs, Senior Planner

Project Description

The applicant is requesting a special exception use (SEU) to allow a K-8 private school in the Commercial General (CG) zoning district. Section 158.124(C)(8) lists “*Schools (public, private or parochial) or technical or vocational schools*” as special exception uses that may be permitted only following the review and specific approval thereof by the City Council.

The proposed application pertains specifically to the central portion of an existing free-standing building. The overall site encompasses approximately 44,320 square feet and is currently subdivided to accommodate three separate users. The proposed school will occupy approximately 14,450 square feet of this total area. It will include 12 classrooms serving students from kindergarten through 8th grade, with a total enrollment of up to 200 students in accordance with the capacity requirements established by the Florida State Statutes. The school hours of operation will be from 7:00 a.m. to 5:30 p.m., with instructional hours scheduled from 8:30 a.m. to 3:30 p.m.

Additionally, the project proposes the removal of existing parking spaces located on the north side of the building to accommodate the development of an outdoor playground. To address parking requirements, the applicant has submitted a shared parking agreement. A site plan amendment will be required to reflect these proposed changes.

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on May 23, 2025, to owners of property within a 750-foot radius of the subject property.

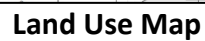
Location and Site Information

Parcel Number:	4401-701-0001-000-2
Property Size:	4.5 acres
Legal Description:	Town Centre Parcel A (OR Book 25, Page 35)
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Multi-tenant commercial building

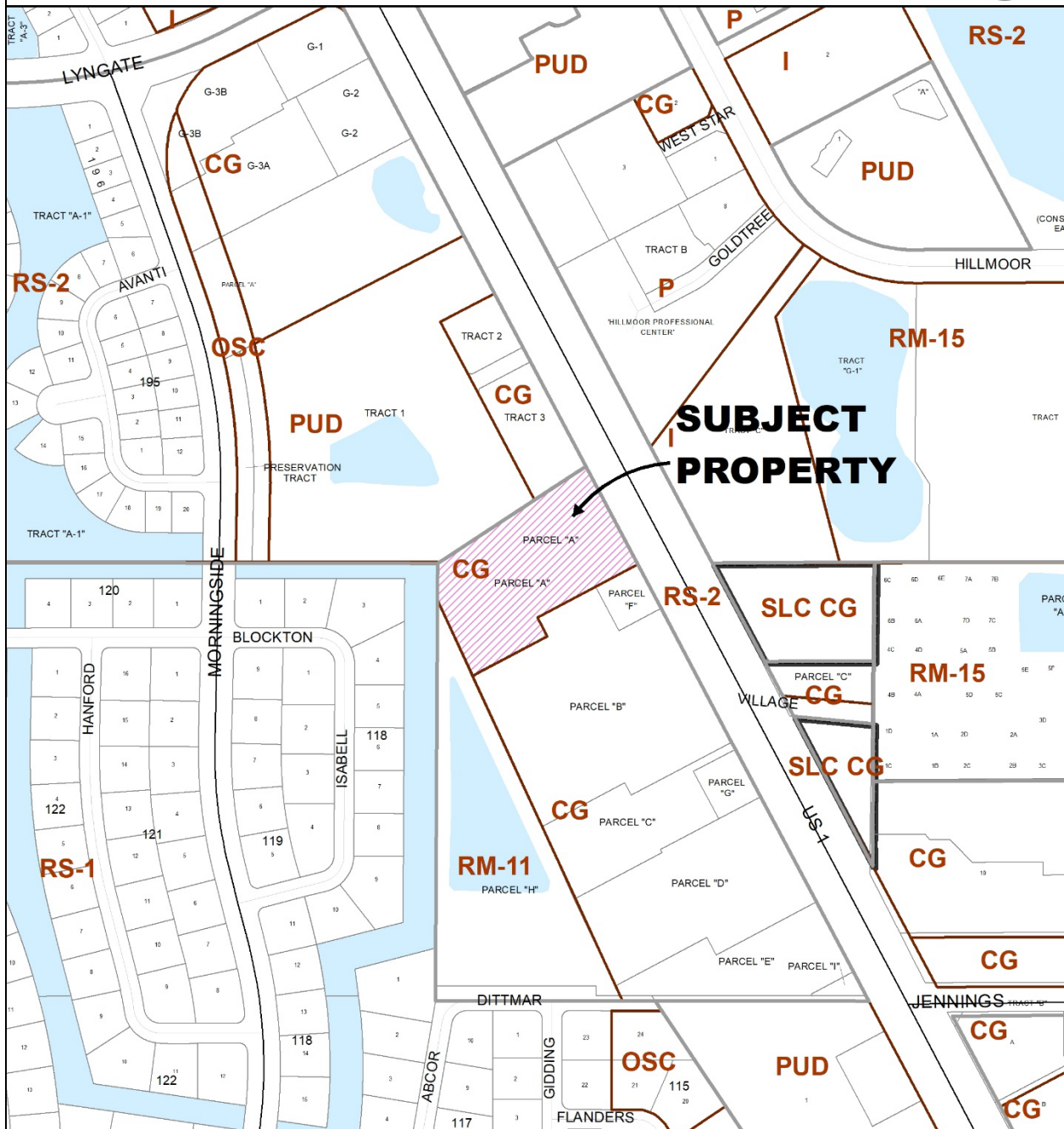
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RH/CG/OSC	CG, PUD	Apartments and Vacant Commercial
South	CG, RM	CG, RM-11	Shopping Center
East	RL, ROI	RS-2, I, P	6-Lane Divided Highway, Nursing and Rehabilitation Center
West	RM, RL	RM-11, RS-1	Single-Family Residences and a Retention Pond

RH/CG/OSC-High Density Residential/General Commercial/Open Space Conservation, CG-Commercial General, PUD-Planned Unit Development, RM-Medium Density Residential, RM-11- Multi Family Residential, RL-Low Density Residential, ROI-Residential, Office, Institutional, RS-2-Single-Family Residential, I-Institutional, P-Professional, RS-1-Single Family Residential



EXISTING ZONING



Zoning Map

PROJECT ANALYSIS

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. Approval of a special exception application shall only be granted by the City Council if it meets the criteria established under Section 158.260 (A) through (L) as noted below. The applicant's response to the criteria is attached. Staff's review is provided below.

Evaluation of Special Exception Criteria (Section 158.260)

(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.

- **Staff findings:** The property is located within an existing shopping center site that includes multiple commercial outparcels. At the time of the Town Centre site plan approval, it was demonstrated that the site has adequate ingress and egress for vehicles and pedestrian circulation. The Town Centre shopping center is located on South US Highway 1 and has multiple access points and cross-connections, which allows for adequate internal circulation and traffic flow. The applicant indicates

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

- **Staff findings:** Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. The use requires 22 parking spaces. Currently, the site includes a total of 1,715 off-street parking stalls—comprised of 1,645 regular spaces and 70 handicapped spaces. As part of the proposed development, 52 of the existing 182 parking spaces on the subject property will be removed to accommodate a playground and a designated student drop-off/pick-up "Safe Zone" for the planned private school. At full capacity, the school will serve up to 200 students across 12 classrooms.

There are currently a total of 1,645 off-street regular parking stalls plus a total of 70 handicapped parking spaces provided on the site (total 1,715 spaces). A total of 52 parking spaces are currently planned to be removed from the subject property (from existing 182 spaces), to be dedicated to a playground and creation of student drop-off/Pick-up "Safe Zone" for the proposed private school which at full capacity will be serving a maximum of 200 students in 12 classrooms. Despite the reduction, the overall parking supply in the Town Centre remains more than sufficient. With a total of 1,715 spaces, there is a significant surplus relative to peak demand, which is estimated at 376 spaces on weekdays (12:00–1:00 PM) and 359 spaces on weekends (12:00–1:00 PM). Therefore, the existing parking infrastructure is more than adequate to meet the needs of all users at all times.

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

- **Staff findings:** Adequate utilities are available to service the development.

(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.

- Staff findings: No additional buffering is required. The site's approved landscape plan provides adequate perimeter landscaping.
- (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.
- Staff findings: the request will not change any existing requirements pertaining to exterior lighting and signage. Any future individual tenant sign shall be permitted through a separate application.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- Staff findings: Yard setbacks and open space were previously addressed with the original site plan. No changes to the existing yards and open space are being requested.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- Staff findings: The proposed Special Exception Use is permitted as defined by Section 158.124(C)(8)-CG (General Commercial) Zoning District and shall conform to all provisions of the City's Zoning Code.
- (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.
- Staff findings: By adhering to City Codes and Regulations, the establishment and operation of the proposed use is not anticipated to 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.
- Staff findings: The facility is not expected to generate noise that would constitute a nuisance. The day-to-day activities occur indoors, with limited time on the outside playground in small, supervised groups.
- (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 or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.
- Staff findings: The proposed school use will be compatible with the existing and permitted uses of adjacent properties. The school will occupy a portion of an existing free-standing building that is currently shared by three users, preserving the overall scale and character of the structure. No changes are proposed to the building's height or footprint. The only addition will be an accessory outdoor playground, which will be located within an area that is already fenced in.
- (K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) 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.

- Staff findings: 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.

- Staff findings: Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

If the Board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions

If approved, staff recommends the following conditions of approval:

1. **This Special Exception Use shall be granted exclusively to the current applicant and shall terminate automatically upon cessation of the approved business operation by the current Applicant. Any change in ownership, business entity, or discontinuation of the approved use shall render this Special Exception Use null and void; and**
2. **The shared parking agreement submitted as part of the application shall remain in full force and effect for the duration of the approved use. Any modification, amendment, or termination of the shared parking agreement shall require prior review and written approval by the City.**
3. **This Special Exception Use approval permits a maximum enrollment of 200 students, subject to compliance with Florida Statutes § 1003.03, which governs class size limits in accordance with the state constitutional amendment on public school classroom capacity.**
4. **All traffic concerns and comments must be resolved to the satisfaction of the city prior to this project being heard at a City Council meeting.**
5. **Any failure to comply with these conditions of approval shall render this Special Exception Use null and void.**

If the board finds that the special exception use application is inconsistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend denial to the City Council

Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.