



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: May 14, 2019

Reference: Consider approval of an ordinance for S-1033R6-SF-12 (Special Use Permit-1033 Revision 6-Single Family-12) on 4.85 acres of property located at 140 S. Heartz Road and authorizing the Mayor to sign.

2030: **Business Prosperity, Sense of Community**

Executive Summary:

This request will allow the extension of a fire lane through the site and the addition of 46 parking spaces.

Introduction:

This property was originally constructed in 1989 as a church. The property has been used for a charter school in addition to a church since fall of 2009. In the fall of 2011, Vista Academy became the new charter school operator. On June 10, 2014, Council approved an amendment to this SUP to allow this Charter School for Grades K-8, with an enrollment capacity of 500, to continue to occupy this building. With the church no longer an ancillary use in 2016, Council approved an amendment to allow the re-purposing of the sanctuary for a 4,000-square-foot gymnasium, additional offices, and a 6,537-square-foot building expansion to include six (6) new classrooms. The current number of students attending the facility is 470, which is within the 500 permitted by the existing SUP. This revised Special Use Permit allows the extension of the fire lane and the addition of 46 parking spaces.

Analysis:

On April 9, 2019 the City Council unanimously approved this rezoning request from S-1033R5-SF-12 to S-1033R6-SF-12.

On March 21, 2019 the Planning and Zoning Commission recommended approval (6-0) of S-1033R6-SF-12, with the following conditions; which have been incorporated into the ordinance.

1. There may additional comments generated during detail engineering review.
2. This charter school shall be licensed and maintained in accordance with state law and may provide instruction for Kindergarten through eight (8th) grade.
3. The student enrollment capacity under this Special Use Permit shall not exceed five hundred (500) students.
4. All landscaping shall be maintained in a healthy and growing condition as is appropriate for the season of the year. This shall include mowing, edging, pruning, fertilizing, watering, weeding,

and other such activities common to the maintenance of landscaping. Plant materials which die shall be replaced.

5. All fencing shall be reviewed for code compliance and be maintained in good condition.

Legal Review:

This was reviewed by the city attorney.

Fiscal Impact:

None

Recommendation:

The Planning Department recommends approval.

Attachments:

1. Ordinance
2. Exhibit A – Legal Description
3. Exhibit B - Site Plan
4. Exhibit C - Landscape Plan
5. Exhibit D - Traffic & Site Plan