

October 4, 2022

Item Summary

Consideration of a Conditional Use Permit application to allow a preschool at 81 Freeman Court. The project site is within the Tourist and Office Professional (C-4) commercial zoning district and is identified on the Jackson County Assessor's Map as 37S 2W 02D Tax Lot 1000.

Applicant: Ashley Crofton & Malorie Mitchell; **Agent:** Jared Pulver, Pulver and Leever Real Estate.

Staff Source

Justin Gindlesperger, Community Planner II

Background

The applicant is requesting a Conditional Use Permit to operate a preschool in an existing office building on a property at 81 Freeman Court in the Tourist and Office Professional (C-4) commercial zoning district. The term 'preschool' is not defined in the Central Point Municipal Code (CPMC) and is not listed as a specific use in the C-4 zoning district. When a term is not defined in the CPMC, the commonly accepted meaning is used in the context of the application. As defined by Merriam Webster's, a preschool is:

"a school for children usually younger than those attending elementary school or kindergarten: nursery school"¹

Although nursery school is not defined in the CPMC, the definition of day care center, listed as a conditional use in CPMC 17.44.030 and defined in CPMC 17.08.010, includes "...**nursery schools** for children under minimum age for education in a public school..." [emphasis added].

Based on the commonly accepted meaning and the proposed use providing an early learning environment for children under the minimum public school age, the preschool is considered a conditional use in the C-4 zoning district. Conditional uses require special consideration because of special attributes and to ensure they are properly located with respect to the surrounding neighborhoods.

¹ "Dictionary by Merriam-Webster," September 21, 2022, <https://www.merriam-webster.com/>.

Project Description

The applicants are proposing to start the school with 26 children and three (3) teachers. The school will include an 'early learning' class of six (6) children ages 24-36 months, and two (2) 'preschool' classes each with ten (10) children ages 3-6 years old (Attachment "A").

Access

The site has an existing access along Freeman Court, a public street. The school site is the only access on the east side along this portion of the street, which terminates in a cul-de-sac just north of the site. Frontage improvements are existing and no additional improvements are required.

Traffic Impacts

As noted above, Freeman Court terminates in a cul-de-sac just north of the proposed school site. There is only one other access along this portion of Freeman Court for an existing Domino's Pizza. Based on the hours of operation and the number of trips from the preschool, a traffic impact analysis is not required and there are no anticipated traffic impacts associated with this use.

Building and Site Design

The proposed preschool will occupy an existing 3,984 square foot building. According to Jackson County Assessor records, the building was constructed in 2001. Prior to the preschool, the building was used for various professional office uses. The applicants are not proposing any exterior modifications to the structure.

The parking lot and landscaping areas are existing. The application shows the elimination of up to three (3) parking spaces to provide a secure, fenced play area for the students. Based on the number of students and teachers for the proposed school, the number of parking spaces is adequate for the use. The landscape areas on site are adequate to provide a buffer between the parking area and the street, and to also buffer the proposed use to the adjacent properties.

Neighborhood Compatibility

Due to the existing development patterns and noise impacts of the area, the proposed preschool is not expected to conflict with or adversely impact the existing uses. On the north and northeast, the project site abuts right-of-way for E Pine Street and the southbound on-ramp for Interstate 5.

The location of the project site along a cul-de-sac limits the number of adjacent properties. The site shares the cul-de-sac with a single commercial property to the west, which is currently developed with a Domino's Pizza. On the south and southeast, the site is bordered by a shopping center that includes retail and professional services.

ISSUES

There are two (2) issues relative to this application as follows:

1. **Floodplain Development Permit.** A portion of the proposed fence is located within the Stream Setback area along Mingus Creek (Attachment "C"). In accordance with CPMC

8.24.260 and 17.60.090, fences may be permitted in the stream setback, provided they are constructed in a manner that does not restrict flood waters.

Comment: Staff recommends Condition of Approval No. 1 requiring the applicant to obtain a Floodplain Development Permit and include details on fence materials and construction that conform to standards in CPMC 8.24.260(A).

2. **Change of Occupancy.** The proposed preschool will change the occupancy of the building from a “B” category use (for business) to an “E” category use (for education). Per Building Department comments (Attachment “D”) and Fire District No. 3 comments (Attachment “E”), the change may require additional safety improvements, including fire alarms and emergency exit and egress lighting.

Comment:. Staff recommends Condition of Approval No. 2 requiring the applicant to submit a detailed floor plan to the Building Division and obtain a Change of Occupancy Permit.

Findings of Fact & Conclusions of Law

The Cub House Preschool Conditional Use Permit has been evaluated against the applicable Conditional Use Permit Criteria set forth in CPMC 17.76 and found to comply as conditioned and as evidenced in the Applicant’s Findings of Fact (Attachments “B”).

Conditions of Approval

1. Prior to installation of the proposed fence, the applicant shall obtain a Floodplain Development Permit and demonstrate compliance with the standards in CPMC 8.24.260(A), including:
 - a. The fencing must be built in removable sections; and
 - b. The fencing must provide at least 1-foot of clearance, or freeboard, between the ground level and the bottom of the solid barrier of the fence.
2. The applicant shall coordinate with the Building Division to obtain a Change of Occupancy Permit and comply with the requirements in the comments from the Building Division and Fire District No. 3, both dated September 14, 2022.
3. The applicant shall coordinate with Rogue Valley Sewer Services and comply with the requirements set forth in the letter dated September 14, 2022 (Attachment “F”).

Attachments

Attachment “A” – Project Narrative

Attachment “B” – Applicant’s Findings

Attachment “C” – Site Plan

Attachment “D” – Building Division Staff Report, dated 09/14/2022

Attachment "E" – Fire District No. 3 Staff Report, dated 09/14/2022

Attachment "F" – Rogue Valley Sewer Services Staff Report, dated 09/14/2022

Attachment "G" – Resolution No. 897

Action

Open a public hearing and consider the proposed Conditional Use Permit application and 1) approve; 2) approve with revisions; or 3) deny the application.

Recommendation

Approve Resolution No. 897, a Resolution recommending approval of the Conditional Use Permit application for the Cub House Preschool.

PRE-APPLICATION

Cub House Preschool

Business owners: Ashley Crofton and Malorie Mitchell

Address of property: 81 Freeman Court, Central Point, Jackson County, Oregon

Business owner contact phone: (541) 778-1111

Description of Project

Summary

- We plan to operate Cub House Preschool.
- The preschool will begin with three teachers and 26 children. We will have one Early Learners class with six children ages 24-36 months old and two Preschool classes each with ten children ages 3-6 years old.
- Our hours of operation will be Monday through Friday 7:30 a.m. to 5:00 p.m.

Who We Are

Ashley Crofton - Owner/Preschool Teacher: Ashley is a licensed teacher and has a Master's in Early Childhood Education.

Malorie Mitchell - Owner/Preschool Teacher: Malorie is a licensed teacher and has a Master's in Early Childhood Education.

Our desire is to be a holistic child-focused early learning center that helps children to develop socially, physically, emotionally, and cognitively under the care and guidance of highly trained professionals and within a child-friendly environment.

Mission

Providing a positive environment that helps children develop socially, physically, emotionally, and cognitively.

Vision

- We will establish solid policies and procedures that foster quality operations throughout the entire school
- We will deliver high quality academic programs
- We will create superior learning environments

- **We will be the school where teachers want to work and invest their careers**

CONDITIONAL USE APPLICATION – FINDINGS OF FACT

Cub House Preschool

Business owners: Ashley Crofton and Malorie Mitchell

Address of property: 81 Freeman Court, Central Point, Jackson County, Oregon

Business owner contact phone: (541) 778-1111

17.76.010 Purpose.

We are requesting a conditional use permit to run a preschool at the property located at 81 Freeman Court, Central Point, Jackson County, Oregon.

17.76.011. Application.

We have attached a Pre-Application Application, a Conditional Use Permit Application and all associated fees and required documents.

17.76.020 Information required.

- A. The name of the preschool shall be Cub House Preschool.
- B. The owners of the business will be Ashley Crofton and Malorie Mitchell who will lease the property from the property owner who is JI Beatty LLC.
- C. The property is located at 81 Freeman Court, Central Point, Jackson County, Oregon.
- D. We have attached the legal description and floor plan of the building which does not require any structural improvements to run the business.
- E. We have provided statements of our findings proving compliance with each of the applicable provisions required to grant the conditional use permit (below).

17.76.040 Findings and conditions.

A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code.

Finding: The property where the preschool will be located was built with a permit when the building was built. It is 3,984 square feet on 0.57 Acres. The State of Oregon requires 35 square feet of usable space per child. Since the building is 3,984 square feet with approximately 2,500

square feet of usable space, it allows for approximately 72 children at the preschool. The children will have an adequate amount of outdoor play area and access to a bathroom as well.

Conclusion: No structural modifications to the building are necessary.

B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use.

Finding: The preschool is located off Freeman Road, a public street that is well maintained by the city. The proposed preschool will not generate a significant amount of traffic that street improvements would be required. The largest number of cars at pickup and drop-off would be 26, and we have enough spaces and turn around room to accommodate that. We do not anticipate all 26 parents dropping off and picking up their child at the same time with a large window of pickup and drop-off time. Parents can drop-off their child from 7:30 am-9am, and pickup from 3:30 until 5:00pm.

The Central Point Municipal Code states that one space per employee plus one space per five children the facility is designed or intended to accommodate. According to the Municipal Code, for the preschool being located at 81 Freeman Court, Central Point, Jackson County, Oregon it can have allows for approximately 72 children.

Conclusion: The site has adequate access to Freeman Road, a public street, and the street is in adequate condition to accommodate traffic to the site.

C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location and improvements on the site; vehicular ingress, egress, and internal circulation; setback; height of the building and structures; walls and fences; landscaping; outdoor lighting; and signs.

Finding: The hours for the preschool will be Monday through Friday 7:30 a.m. to 5:00 p.m. The activities will be primarily inside so noise should be held to a minimum. Any outdoor activities would take place between 9:00 a.m. to 5:00 p.m. There is a walkway directly to the building entrance. The fence around outdoor space will be six feet tall and borders the property line which will also help with any excessive noise.

Conclusion: The building is built to code so there should be no effect on abutting properties. The fence that is surrounding the outdoor space will reduce any noise from the preschool.

D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section.

Finding: A fire extinguisher, smoke detector, and carbon monoxide alarm are present. We will have evacuation drills once a month to ensure the safety of the children. An inspection on the fire extinguisher will be completed annually. The State of Oregon says that each child needs 35 square feet. Since the property is 3,984 square feet, we can have allows for approximately 72

children at one time. We plan to start with about 26 children with three teachers, so our ratio would comply. Background checks are required for any adult that is interacting or on the facility where children are present. All necessary background checks are completed. We meet the State of Oregon preschool staff to student ratio.

Conclusion: All applicable local, state, and federal health and safety regulations are satisfied, and the proposed use will not be detrimental or injurious to the property or the surrounding neighborhood.

E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:

1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13.

Finding: The lot is 0.57 acres. The site is 3,984 square feet.

Conclusion: There is sufficient indoor and outdoor space to meet the requirements of a preschool.

2. Increasing Street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use.

Finding: The street width is wide enough to accommodate the preschool daily use.

Conclusion: No modifications to streets, traffic signals, or signs would be needed.

3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use.

Finding: The requirement for parking is one spot per employee and one spot per five children. There are 23 usable parking spots which more than meet the requirements of three teachers and 26 children and allows for the opportunity to grow.

Conclusion: Off-street parking would not be needed due to available parking spots.

4. Regulation of points of vehicular ingress and egress.

Finding: The cars can enter and exit from Freeman Court from Freeman Road.

Conclusion: No changes to accommodate vehicle ingress and egress are needed.

5. Requiring landscaping, irrigation systems, lighting, and a property maintenance program.

Finding: The landscaping, irrigation system, lighting and property maintenance are done by the property owners and will continue to be done by the property owners.

Conclusion: Landscaping, irrigation systems, lighting and property maintenance will not require any changes.

6. Regulation of signs and their locations.

Finding: A sign displaying the name of preschool will be on top of the building and a small sign will be hung where children enter.

Conclusion: The sign will not disturb surrounding neighbors.

7. Requiring fences, berms, walls, landscaping, or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility, or other undesirable effects on surrounding properties.

Finding: A six-foot fence will be around the outdoor space.

Conclusion: The property will require the fence to be put in but will be done so by the property owner.

8. Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions.

Finding: We plan to operate the preschool Monday through Friday 7:30 a.m. to 5:00 p.m. so most neighbors are awake during these hours. Outside play will be limited but only occur during the hours of 9:00 a.m. to 5:00 p.m.

Conclusion: Time of operation will not affect the community or surrounding neighbors.

9. Establish a time period within which the subject land use must be developed.

Finding: The building is already built and not in need of any structural modifications.

Conclusion: Not applicable since no development is needed.

10. Requirement of a bond or other adequate assurance within a specified period of time.

Finding: The structure of the proposed preschool already exists and therefore does not require a bond.

Conclusion: Not applicable since no development is needed.

11. Such other conditions that are found to be necessary to protect the public health, safety, and general welfare.

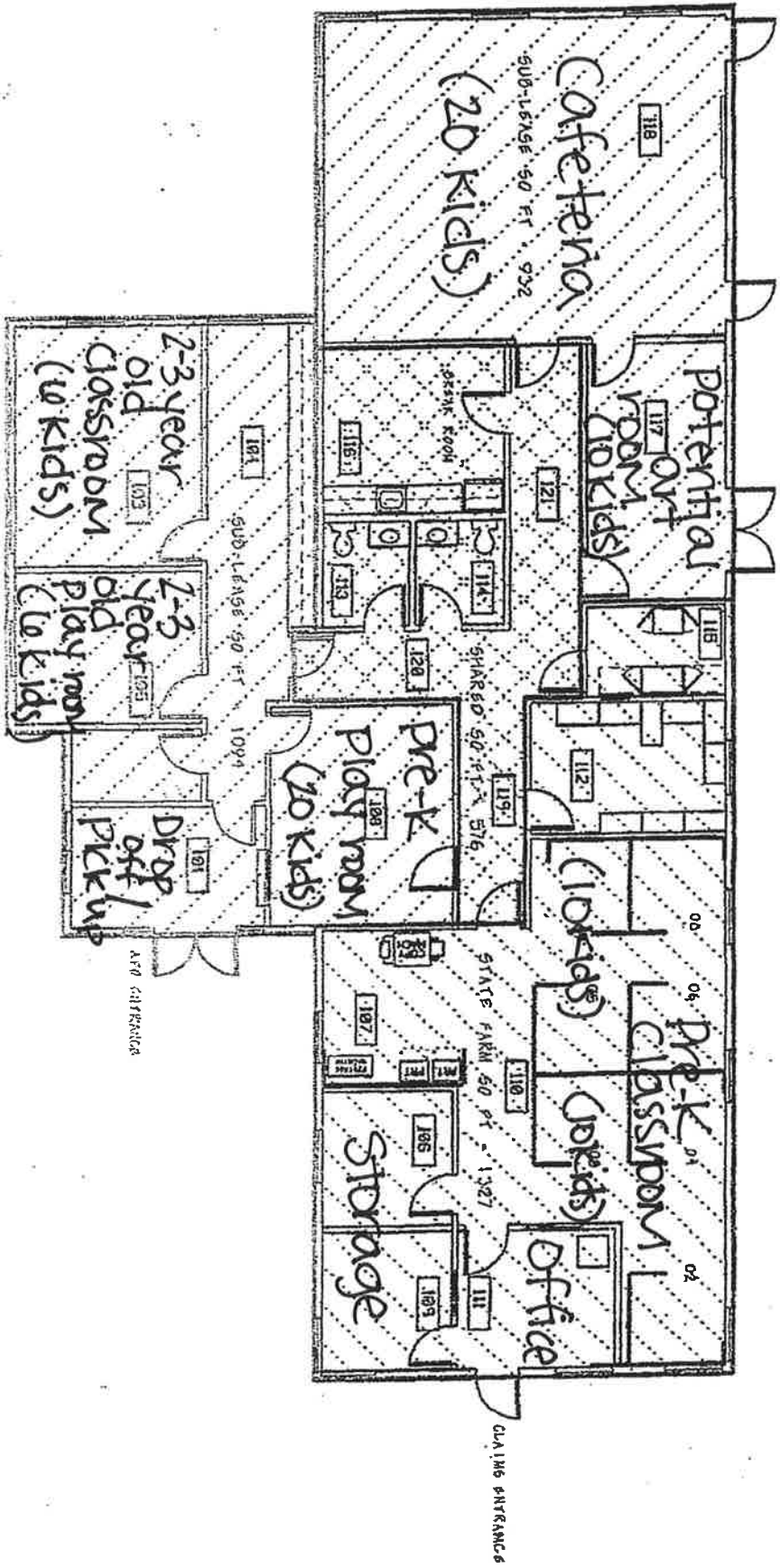
Finding: The preschool will not affect the public health, safety, and general welfare.

Conclusion: The preschool complies with all requirements to protect public health, safety, and general welfare.

12. In considering an appeal of an application for a conditional use permit for a home occupation, the planning commission shall review the criteria listed in Section 17.60.190.

Finding: The proposed preschool is not in a home and a business license will be obtained prior to operation.

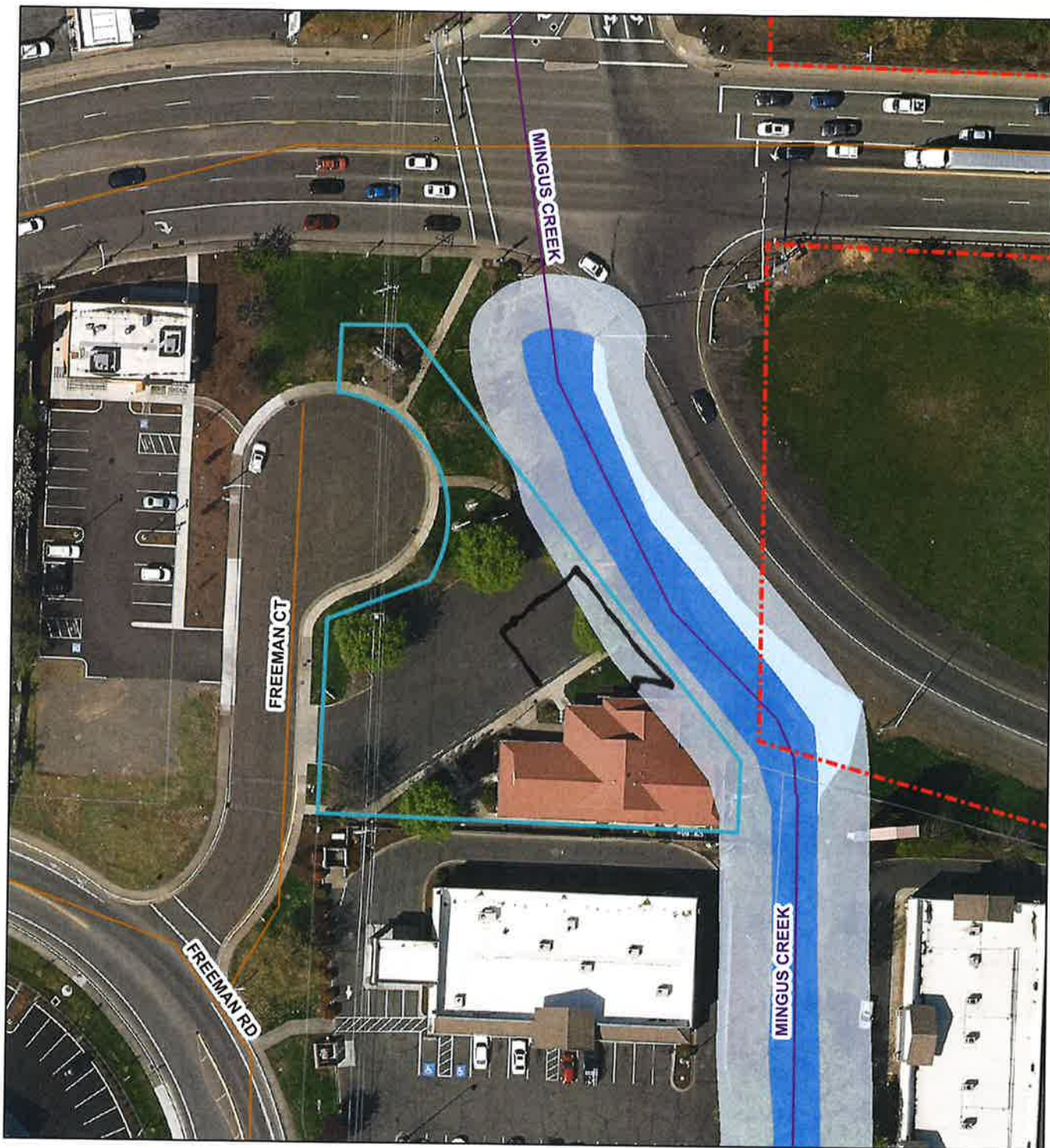
Conclusion: All criteria will be satisfied.



MEDFORD OPERATIONS CENTER
 91 REGAN RD
 CENTRAL POINT, OR 97502



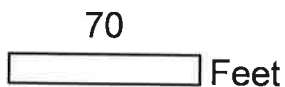
81 Freeman Court
Cub House Pre School
Pre Application Conference



Legend

- Creeks and Streams
- Special Flood Hazard Area - 1% Annual Chance Flood
- Special Flood Hazard Area - Floodway
- Stream Setback Area per CPMC 8.24.230

- Chain link fence with bottom open, if needed



Map for Illustration Purposes Only

Date: 08/30/2022

- back of fence = 6 ft
- front = 5 ft

Justin P. Gindlesperger

From: Derek Zwagerman
Sent: Wednesday, September 14, 2022 11:06 AM
To: Justin P. Gindlesperger
Subject: RE: Request for Agency Comments on Land Use Application - CUP-22001

A change of occupancy permit will be required prior to occupying the building. Occupancy is changing from 'B' (Business) to 'E' (Educational).

A fire alarm system will be required to be installed prior to occupancy. A permit and inspection(s) are required for the 'E' occupancy.

Derek Zwagerman, P.E.
City of Central Point – Building Dept.
541-423-1024

From: Justin P. Gindlesperger <Justin.Gindlesperger@centralpointoregon.gov>
Sent: Wednesday, September 14, 2022 10:35 AM
To: Chadd Griffin <chadd.griffin@centralpointoregon.gov>; Carl Tappert <ctappert@rvss.us>; Mike Ono <Mike.Ono@centralpointoregon.gov>; Chad Murders <chad.murders@ecso911.com>; David Baker <dbaker@roguedisposal.com>; David McFadden <David.McFadden@avistacorp.com>; Derek Zwagerman <Derek.Zwagerman@centralpointoregon.gov>; Ed Devries <Ed.Devries@pacifiCorp.com>; Eric Wirfs <eric.wirfs@pacificorp.com>; Jeff Wedman <jeff.wedman@centurylink.com>; Mark Kimmelshue <mark.kimmelshue@centurylink.com>; Mark Northrop <MarkN@jcf3.com>; Matt Samitore <Matt.Samitore@centralpointoregon.gov>; Nicholas Bakke <nbakke@rvss.us>; Rogue River Valley Irrigation District <rrvid@rrvid.org>; Stephanie Holtey <Stephanie.Holtey@centralpointoregon.gov>; US Post Office <nickolas.c.eufemi@usps.gov>
Subject: Request for Agency Comments on Land Use Application - CUP-22001

Good morning,

The City received an application for the operation of a preschool in an existing building in the Tourist and Office Professional (C-4) commercial zoning district. The project site is located at 81 Freeman Court (37S2W02D, TL 1000). Please provide comments to our office no later than September 28, 2022.

The complete application is available at: <https://www.centralpointoregon.gov/cd/project/cub-house-preschool-conditional-use-permit>

Thank you for your time and consideration of this request. If you have questions, please let me know.

Regards,

Justin Gindlesperger; AICP, CFM
Community Planner II
Community Development
City of Central Point
140 South Third Street
Central Point, OR 97502

Justin P. Gindlesperger

From: Mark Northrop <MarkN@jcf3.com>
Sent: Wednesday, September 14, 2022 2:27 PM
To: Justin P. Gindlesperger
Subject: Re: Request for Agency Comments on Land Use Application - CUP-22001

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Justin:

Access and water supply for this occupancy meets Oregon Fire Code. However, the building occupancy type will be changed from a Business(B) to an Educational(E). This may require other safety feature changes to the building such as emergency exit and egress lighting, manual fire alarm, voice evacuation alarm, and exiting distances and locking arrangements. These will be based upon the number and needs of the children involved. Derek and I will be able to answer these questions when a more detailed plan is submitted.



DFM Mark Northrop, IAAI, CFI

Jackson County Fire District 3

8383 Agate Rd, White City, OR 97503

Markn@jcf3.com

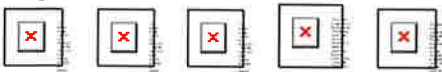
Office: 541.831.2776

Cell 541.660.7689

www.jcf3.com



Together We're Better



From: Justin P. Gindlesperger <Justin.Gindlesperger@centralpointoregon.gov>

Sent: Wednesday, September 14, 2022 10:34 AM

To: Chadd Griffin <chadd.griffin@centralpointoregon.gov>; Carl Tappert <ctappert@rvss.us>; Mike Ono <Mike.Ono@centralpointoregon.gov>; Chad Murders <chad.murders@ecso911.com>; David Baker



ROGUE VALLEY
SEWER SERVICES
CLEAN WATER - HEALTHY COMMUNITIES

September 14, 2022

City of Central Point Planning Department
155 South Second Street
Central Point, Oregon 97502

Re: CUP 22001 – Cub House Preschool, Map 37 2W 02D, Tax Lot 1000,

There is an existing 8 inch sewer main along Freeman Ct and a 4 inch sewer service serving the existing building on the property. The proposed use will not affect this service. However, the change in use may require additional Sewer System Development Charges (SDC's).

Rogue Valley Sewer Services requests that approval of this development be subject to the following conditions:

1. The applicant must submit architectural plumbing plans or other justification to RVSS for the calculation of SDC fees. Please note, SDC fees for educational facilities are calculated based on student capacity.

Feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bakke".

Nicholas R Bakke, PE
District Engineer

PLANNING COMMISSION RESOLUTION NO. 897

A RESOLUTION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR A PRESCHOOL ON LANDS WITHIN THE TOURIST AND OFFICE PROFESSIONAL (C-4) ZONING DISTRICT.

(File No: CUP-22001)

WHEREAS, the applicant has submitted an application for approval of a Conditional Use Permit to change the use of an existing building within the Tourist and Office Professional (C-4) zone to a preschool; and

WHEREAS, on October 4, 2022 the City of Central Point Planning Commission conducted a duly-noticed public hearing on the application, at which time it reviewed the Staff Report and heard testimony and comments on the application; and

WHEREAS, the application has been found to be consistent with the approval criteria applicable to Conditional Use Permits in accordance with Section 17.76 of the Central Point Municipal Code; and per conditions noted in the Staff Report dated October 4, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the City of Central Point Planning Commission by Resolution No. 897 does hereby approve the Conditional Use Permit application for the applicants, Ashley Crofton and Malorie Mitchell. This approval is based on the findings and conditions of approval as set forth in Exhibit "A," the Planning Department Staff Report dated October 4, 2022, including attachments incorporated by reference.

PASSED by the Planning Commission and signed by me in authentication of its passage this 4th day of October, 2022.

Planning Commission Chair

ATTEST:

City Representative