Staff Report – Public Hearing No. 2

Conditional Use Permit for a Daycare/Preschool Business in an RA (Suburban Residential) Zoning District at 1127 Greenhurst Rd. for Maria Varela

Applicant: Maria Varela
Property Owner: Jorge and Maria Varela
File No: CUP 134-19
Prepared by: Doug Critchfield, Senior Planner
Date: May 7, 2019
Requested Action: Conditional Use Permit
Purpose: Daycare/Preschool Business use in an RA Zone

GENERAL INFORMATION

Status of Applicant: Property Owner
Existing Zoning: RA (Suburban Residential)
Address: 1127 Greenhurst Rd. (Canyon County Parcel #R29178000)
Legal Description: A portion of Government Lot 1, Section 3, T2N, R2W, BM, Canyon County
Proposed Use: Daycare/Preschool Business for up to 86 children
Size of Property: 1.08 acres or 47,045 sq. ft
Surrounding Land Use and Zoning:
North- RS6 (Single-Family Residential)
South- AG (Agricultural – High School Parking Lot)
East- AG (Agricultural – High School)
West- AG (Agricultural – Sky View Park)

Comprehensive Plan Designation: Parks

Zoning and Planning History: Conditional Use Permit No. 07.1-9864 was issued on September 9, 1998 to Sandra Cornwall DBA Cowpoke Country Daycare to operate a commercial daycare/preschool business in an RA Zone for up to 86 children. The property has been used for this purpose since that time. A Child Care incident was reported on this business to the Idaho Department of Health and Welfare on March 21, 2019. Subsequently, the business and property were sold to Maria Varela DBA Loly’s Daycare effective April 1, 2019. Conditional Use Permit No. 07.1-9864 became null and void upon that sale, requiring the issuance of a new Conditional Use Permit to operate a new commercial daycare/preschool business for up to 86 children on that parcel.

The Future Land Use Map designates this as “Parks”. This facility is a ‘stand-alone’ private property adjacent to parkland, a church Seminary facility and High School.

Applicable Regulations: Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit.

SPECIAL INFORMATION

Public Utilities: available at the site

Public Services: available at the site

Transportation: The property has access on E. Greenhurst Road.

Environmental: The property is adjacent to residential neighborhoods to the north across Greenhurst Rd., a church Seminary building and Sky View High School to the east and south, and Skyview Park to the west. The school would have the potential to serve 86 children with adult supervision. The use and noise from the facility would be compatible within the setting in which it is located.

Correspondence: The surrounding neighborhood public hearing notices were mailed on April 23, 2019 and posted on the property on May 2, 2019. As of the date of this memo, no correspondence has been received advocating for, neutral to, or against this proposal.

Physical Site Characteristics: The property is a 1-acre parcel located adjacent to residential neighborhoods to the north across Greenhurst Rd., a church Seminary building and Sky View High School to the east and south, and Skyview Park to the west. The parcel contains a 4,200 sq. ft. +/- daycare facility with a loop drive drop off/pick up area off Greenhurst Rd., a 1,600 sq. ft. +/- garage/shop, turf areas, a playground and staff/visitor parking area behind the garage/shop.
Parking: Staff and visitor parking is provided in the rear of the property with paved access on off Greenhurst. There is no street parking available on Greenhurst Rd.

STAFF FINDINGS & DISCUSSION

The parcel has been utilized for a commercial daycare/preschool since September 1998. This application proposes a continuation under new ownership of the same use and operational activities as were stated in the Conditional Use Permit for the prior owner. It has been confirmed by staff that the prior use of the property as a daycare/preschool operation had no issues with Code Enforcement.

As was indicated by the new owner's correspondence dated April 2, 2019, the prior owner assisted with the transition in early April and is no longer actively participating in the business.

From a land use standpoint, the location is bordered by a park, school and church Seminary Building, which is an appropriate setting for this type of facility.

Staff conducted a site visit on May 7, 2019 verifying that the conditions from the prior Conditional Use Permit were intact. Other City Departments have visited the site to ensure code compliance with current standards. The Building Department has conditioned a minor fix to the main entrance threshold to bring the building into compliance with ADA standards. No other changes were proposed by other departments as of the date of this Staff Report.

Public notifications were sent out and posted on the property regarding this CUP. As of the date of this staff report, no correspondence was received advocating for or against this proposal.

SUGGESTED CONDITIONS OF APPROVAL

Should the Planning and Zoning Commission vote to approve the Conditional Use Permit for a Daycare/Preschool Business in an RA (Suburban Residential) Zoning District at 1127 Greenhurst Rd. for Maria Varela, then Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: the Commission may obviously add, subtract and/or modify conditions as it deems appropriate):

1) That all requirements of all City Departments for occupancy use of the property for a commercial daycare/preschool business for up to 86 children shall be satisfied prior to operation of the business; and,

2) That the front door shall be made ADA accessible per Building Department requirements; and,

3) That the hours of operation for the daycare to be limited to 6:45 a.m. to 6:30 p.m. on weekdays; and,

4) That any expansion of the daycare to be approved by the Planning and Zoning Commission; and,
5) That the circular driveway to serve as a pick-up and drop-off location for persons bringing to and picking up children from the daycare and not be used as long-term parking by either clients or employees; and,

6) That the owner maintains all regulatory permitting, licensures and operational procedures as required by law; and,

7) That the Conditional Use Permit is granted only to the owner and property for the duration of the use and shall not be transferable to any other location; and,

8) Any other conditions recommended by the Commission following public hearing.

ATTACHMENTS

1) Copy of Application for Conditional Use Permit (page 5)
2) Vicinity Map (page 6)
3) Zoning Map and aerial photo (page 7)
4) Copy of Plat of property (page 8)
5) Copy of Daycare layout (page 9)
6) Copy of Summary of Incident email (pages 10-11)
7) Copy of Statement of ownership by Maria Varela (page 12)
8) Copy of Conditional Use Permit issued to Sandra Cromwell (prior owner) dated September 9, 1998 (Pages 13-18)
9) Agency and other correspondence (pages 19+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less)  Nonrefundable Fee: $463.00 (more than 1 acre)

Please provide the following REQUIRED DOCUMENTATION to complete the CUP
☐ A copy of one of the following: ☐ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☒ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed
locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street
parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building
elevations, together with any other information considered pertinent to the determination of this matter.
☒ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal
owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence
to show that the person signing is an authorized agent)
☒ Original Legal description of property AND a legible WORD formatted  document. (Must have for final
recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description
➢ State (or attach a letter stating) the reason for the proposed Conditional Use Permit: renew

Dated this 29th day of March 2019

NOTICE TO APPLICANT
This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a
public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-
Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing
notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice
of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15
days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council.
You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days
from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be
sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the
issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY
FILE NUMBER: CUP - 134 - 2019  PROJECT NAME: Comm. Daycare in R-1 Zone

12/11/13 Revised
House Dim: 63 ft. x 68 ft. (squared)

Patio: 21 ft. deep

Garage/Storage: 33 ft. x 49 ft.

Seminary and High School: Separated from property by 6 ft. chain link fence.

(Rear section of property - not shown - measures 210 ft. deep x 115 ft. wide)
**The information for the following child care incident has been updated or corrected, please review carefully.**

Your agency has been identified as relevant party to the following Child Care Incident Report from the Idaho Department of Health and Welfare. Once you have reviewed and responded to this incident please e-mail your documentation to CCComplaintCO@dhw.idaho.gov. If you have any questions about this incident please contact the Child Care Licensing Specialist at CCComplaintCO@dhw.idaho.gov.

**Summary of Incident 19-00076**

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<td>LE/HD - Child with large bruise on chin</td>
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<td>Full Description</td>
<td>Child with large bruise on chin and daycare unaware of how it occurred. <strong>Please see attached letter from parent.</strong> <strong>Also included pictures.</strong></td>
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**Provider**

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<td>Provider Name</td>
<td>Sandra Cromwell</td>
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<tr>
<td>Provider Business Name</td>
<td>Cowpoke County Daycare &amp; Preschool</td>
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<tr>
<td>Provider Address</td>
<td>1127 E. Greenhurst Rd., Nampa, ID, 83686</td>
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<td>Provider Phone Number</td>
<td>tel:+1-208-463-0033</td>
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**Referent**

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<tr>
<td>Anonymous?</td>
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<tr>
<td>Referent Name</td>
<td>Myrissa Silva</td>
</tr>
<tr>
<td>Referent Address</td>
<td></td>
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<tr>
<td>Referent Phone Number</td>
<td>tel:+1-253-548-5765</td>
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<tr>
<td>Referent Email</td>
<td><a href="mailto:Deena.walkden@outlook.com">Deena.walkden@outlook.com</a></td>
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Relationship to Provider: Parent
Permission to Contact?: Yes
Other Reportings:
Report Method: Email

Artifacts

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<td>Marilyn Peoples</td>
<td>State Licensing</td>
<td>(208) 442-9989</td>
<td><a href="mailto:Marilyn.Peoples@dhw.idaho.gov">Marilyn.Peoples@dhw.idaho.gov</a></td>
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<tr>
<td>Health District #3</td>
<td>Health District</td>
<td>208-455-5300</td>
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<tr>
<td>Aubrie Hunt</td>
<td>ICCP</td>
<td>208-334-5686</td>
<td><a href="mailto:aubrie.hunt@dhw.idaho.gov">aubrie.hunt@dhw.idaho.gov</a></td>
</tr>
<tr>
<td>City of Nampa</td>
<td>City Licensing</td>
<td>208-468-4487</td>
<td><a href="mailto:lopezs@cityofnampa.us">lopezs@cityofnampa.us</a></td>
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<td>Central District Health</td>
<td>CDHD</td>
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</tr>
<tr>
<td>Nampa Police Dept.</td>
<td>Law Enforcement - City</td>
<td>208-468-5580</td>
<td><a href="mailto:jonesb@cityofnampa.us">jonesb@cityofnampa.us</a></td>
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Thank you for your timely attention to this matter.

State of Idaho Daycare Licensing and the Idaho Child Care Program
Idaho Department of Health and Welfare
April 2, 2019

TO WHOM IT MAY CONCERN:

MY NAME IS MARIA VARELA AND I AM THE NEW OWNER OF WHAT WAS PREVIOUSLY COWPOKE COUNTRY DAYCARE & PRESCHOOL, LOCATED AT 1127 E. GREENHURST RD. MY BUSINESS IS CALLED LOLY’S DAYCARE AND AS OF APRIL 1ST 2019 MY HUSBAND AND I ARE THE NEW OWNERS OF THE PROPERTY. SANDRA CROMWELL WILL BE HERE THE FIRST WEEK OF APRIL WHILE WE TRANSITION INTO THE NEW OWNERSHIP AND THEN SHE WILL NO LONGER BE ACTIVELY PARTICIPATING. SHE HAS GIVEN ME A COPY OF THE CONDITIONAL USE PERMIT THAT GOES WITH THE PROPERTY ALLOWING FOR IT TO BE USED AS A LICENSED DAYCARE CENTER HERE IN NAMPA.

SINCERELY,

MARIA VARELA
OWNER/DIRECTOR
LICENCE OR PERMIT NO: 07.1-9864

$0.00

ISSUED: 9/9/98 EXPIRES: INDEFINITE

FOR THE PURPOSE OF CONDUCTING THE USE OR BUSINESS:

Conditional Use Permit
Daycare
Daycare, Center, over 13

THIS LICENSE OR PERMIT IS GRANTED TO: Sandra Cromwell
Cowpoke Country Daycare &
1127 E GREENHURST RD
Nampa, ID 83686

For the Property Address of: 1127 E GREENHURST RD

DESIGNATED ZONING OFFICIAL

Kristi Watkins
Administrative Assistant

Conditions:

a) Submission of a revised site plan drawn to common architects or engineers scale. i) The layout of the property and dimensions for the parking and driveway space including provision for one 15' x 20' van accessible, handicap parking stall, in the parking lot area as close to the house as possible. ii) Construction of a 6' tall chain-link fence along those lines depicted on the site plan already submitted to staff where a fence does not now exist. b) Compliance with all other applicable requirements of other agencies involved in the review of this request including those associated with conversion of the residence into a daycare center and obtaining of child care licensing. c) This approval does not constitute sanctioning of any signage. Separate sign permits will be required for outdoor advertising on the premises. d) This approval shall be granted in perpetuity. e) The hours of operation for the daycare to be limited to 6:45 am to 5:30 pm on weekdays. f) Any expansion of the business shall be approved by...
A Conditional Use Permit is hereby granted by the City of Nampa for the following described real property located within the City limits of Nampa, Canyon County, Idaho, more particularly described as follows, to wit:

1127 EAST GREENHURST ROAD, NAMPA
(Legal Description Attached)

The City of Nampa issues this Conditional Use Permit on the basis of the following findings:

1. The above described property is situated within zoning district: RA, Suburban Residential.

2. Nampa Municipal Code 10-25-4 permits within the above zoning district the conditional use of: Commercial Daycare/Pre-School For Up to 86 Children.

3. The permitted use will be compatible with the existing zoning district and/or enhance or serve the community if, and only if, the following regulations are continuously met by the owner, his heirs and assigns, in the use of the above described property:

   a) Submission of a revised site plan drawn to a common architect’s or engineer’s scale (1:10, 1:20, 1:30, 1/4” or 1/8” showing:
      i) The layout of the property and dimensions for the parking and driveway space including provision for one 16 ft x 20 ft van accessible, handicap parking stall, in the parking lot area as close to the house as possible.
      ii) Construction of a six foot (6’) tall chain-link fence along those lines depicted on the site plan already submitted to Staff where a fence does not now exist.

   b) Compliance with all other applicable requirements of other agencies involved in the review of this request including those associated with conversion of the residence into a daycare center and obtainment of child care licensing.

   c) This approval does not constitute sanctioning of any signage. Separate sign permits will be required for outdoor advertising on the premises.
d) This approval shall be granted in perpetuity.

e) The hours of operation for the daycare to be limited to 6:45 a.m. to 6:30 p.m. on weekdays.

f) Any expansion of the daycare to be approved by the Commission.

g) The circular driveway to serve as a pick-up and drop-off location for persons bringing children to the daycare and not to be used as long term parking by either clients or employees.

h) The open yard area to be developed as play space for the children.

This permit is hereby granted in perpetuity from the date of issuance. In the event (1) actual construction or alteration does not begin, (2) authorized activity does not commence when no construction is involved or, (3) extensions are not granted pursuant to Nampa Municipal Code Section 10-25-11 within six months of the date of issuance, this permit shall be terminated.

Issued this 4th day of August, 1998.

CITY OF NAMPA:

[Signature]

Nomnah L Holm
Planning Director

Subscribed and sworn to before me this 4th day of August, 1998.

[Signature]

Notary Public, State of Idaho Seal
Residing at Nampa, Canyon County, Idaho

Conditional Use Permit - 1127 E Greenhurst Rd
Page 2
EXHIBIT "A"

ANNEXATION AND ZONING TO RA (SUBURBAN RESIDENTIAL) FOR 1127 EAST GREENHURST ROAD

A portion of Government Lot 1 of Section 3, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

Commencing at the Northeast corner of Government Lot 1 of Section 3, T. 2 N., R. 2 W., B.M., Canyon County, Idaho and running N 89° 09' 34” W 1,125.06 feet along the Northerly boundary thereof to a point;

thence S 00° 46' 08” W 25.00 feet along a line parallel to and 178.70 feet Easterly from the Westerly boundary of said Government Lot 1, Section 3 to the REAL POINT OF BEGINNING;

thence continuing S 00° 46' 08” W 410.60 feet along said line parallel to and 178.70 feet Easterly from said Westerly boundary of said Government Lot 1, Section 3 to a point;

thence N 89° 09' 34” W 100.00 feet along a line parallel to and 435.60 feet Southerly from said Northerly boundary of said Government Lot 1, Section 3 to a point;

thence N 00° 46' 08” E 410.60 feet along a line parallel to and 78.70 feet Easterly from said Westerly boundary of said Government Lot 1, Section 3 to a point;

thence S 89° 09' 34” E 100.00 feet along a line parallel to and 25.00 feet Southerly from said Northerly boundary of said Government Lot 1, Section 3 to the REAL POINT OF BEGINNING.

Containing 0.94 acre, more or less.
This project is to convert a single family residential structure, R3 occupancy type, to a day care center for approximately 85 children, E3 occupancy type. This change of occupancy type requires by law that the structure be brought into compliance for the new occupancy type as provided by the Uniform Building Code Section 3405. A building permit is required to assure compliance. A Certificate of Occupancy for this structure must be signed by the City Building, Planning and Fire Departments prior to commencement use of this structure as a day care center. The following conditions must be met prior to issuance of such Certificate of Occupancy.

1.) Structure must be provided with an approved fire alarm system. Plans must be submitted to and approved by the Fire Marshal prior to installation. UBC Sec. 1103.1.2.4

2.) Sleeping rooms must be provided with permanently affixed platforms to provide access to egress windows when the sill of such windows is over 44 inches above floor grade. UBC Sec. 310.4 (as allowed for day care facilities by Nampa Fire Department)

3.) Provide exit signs at all exterior doors and on interior walls as approved on contractor’s plan. UBC Sec. 1012 and 1013

4.) All window glazing must be inspected for safety glazing requirements. If non-conforming glazing exists it must be replaced or retrofit to comply with code. UBC Sec. 3403.3, 3405 and 2406

5.) Two exits are required out of the pre-school room and day rooms. Additionally the rear exit (sliding glass door) does not meet the requirements for an exit door. An acceptable strategy to remedy this situation would be to install a minimum 3’0”x6’8” out swing type exit door at the location of the present sliding glass door, or a Building...

Building Safety is No Accident
Department approved alternative as proposed by the owner, UBC Sec. 1004.1, 1003.5, 1004.2, 1003.3, and UBC table 10-A.

6.) Accessibility for the disabled is required by the Building Code, UBC Section 1103.1.4. This will include an accessible route from the parking lot into the business and with access to proper restroom facilities. One van accessible parking space is required with suitable vertical signage. From this space to the main access door all walking surfaces must be flat and smooth with all changes in elevation accomplished by a ramp of not more than 1:12 slope. All doorways along accessible route must be a minimum of 32 inches clear inside dimension with door in open position. The business must have at least one accessible bathroom with a side mount stool and accessible sink. Submit plans for approval of accessible restroom and a plan for dealing with change of elevation and doorway issues. The Planning Department has issued a Conditional Use Permit that included accessible parking requirements which also must be complied with.

7.) This Building and Fire Department plan review assumes that this facility does not provided overnight accommodations for children. This condition may cause additional Building Code requirements to be addressed.

Special Note: The owners have indicated their intent to appeal some items of Building Code compliance as delineated in this document. Please schedule an appointment with the Building Official, Dennis Davis, if the owner would like to discuss aspects of appealing Building Department orders, decisions, or determinations. Mr. Davis can be reached at 465-2214 extension 245.
April 15, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: CUP-00134-2019/ Loly's Daycare; 1127 E. Greenhurst Road

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are affected.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District

Cc: Office/ file
Date: April 22, 2019
Rev:
To: Planning and Zoning
Cc: Caleb LaClair, P. E. Assistant City Engineer
Cc: Daniel Badger, P.E., City Engineer
Cc: Tom Points, P. E., Nampa City Public Works Director
Cc:
From: Jim Brooks – Engineering Division
Subject: Commercial Daycare for up to ___-children
Applicant: Maria Varela
Applicant Address: 1610 W. Teton Avenue, Nampa, Idaho 83686
Owner: Maria Varela
Owner Address: 1610 W. Teton Avenue, Nampa, Idaho 83686
Parcel Address: 1127 E. Greenhurst Road, Nampa, Idaho 83686
CUP-00134-2018 for the May 14, 2019 Planning & Zoning Meeting

Applicant’s request is for a commercial daycare at 1127 E. Greenhurst Road. Use will be same as previously approved via a CUP granted to previous owner. Engineering will assume the number of children to be 66 for calculating the average number of daily trips.

Trip generation reports by the Institute of Transportation Engineers for daycare facilities with up to 66 children create, on average, the following number of trips:
- AM Peak – 54 vehicle trips
- PM Peak – 58 vehicle trips

The Engineering Division does not oppose the granting of this conditional use permit.