

# 21-146SP – ST. BRIGID OF KILDARE, MODULAR CLASSROOMS

## Summary

Request for a Special Permit to allow the use of two existing 1,505-square-foot, modular classroom units for up to one year due to the pandemic. The 14.39-acre site is zoned Planned Unit Development District and is located west of the intersection of Avery Road with Holywell Drive.

## Site Location

The site is west of the intersection of Avery Road with Holywell Drive.

## Zoning

PUD, Planned Unit Development District – St. Brigid of Kildare Catholic Church

## Property Owner

James A Griffin

## Applicant/Representative

Jody Shaffer, Property Owner

## Applicable Land Use Regulations

Zoning Code Section 153.231(H)

## Case Manager

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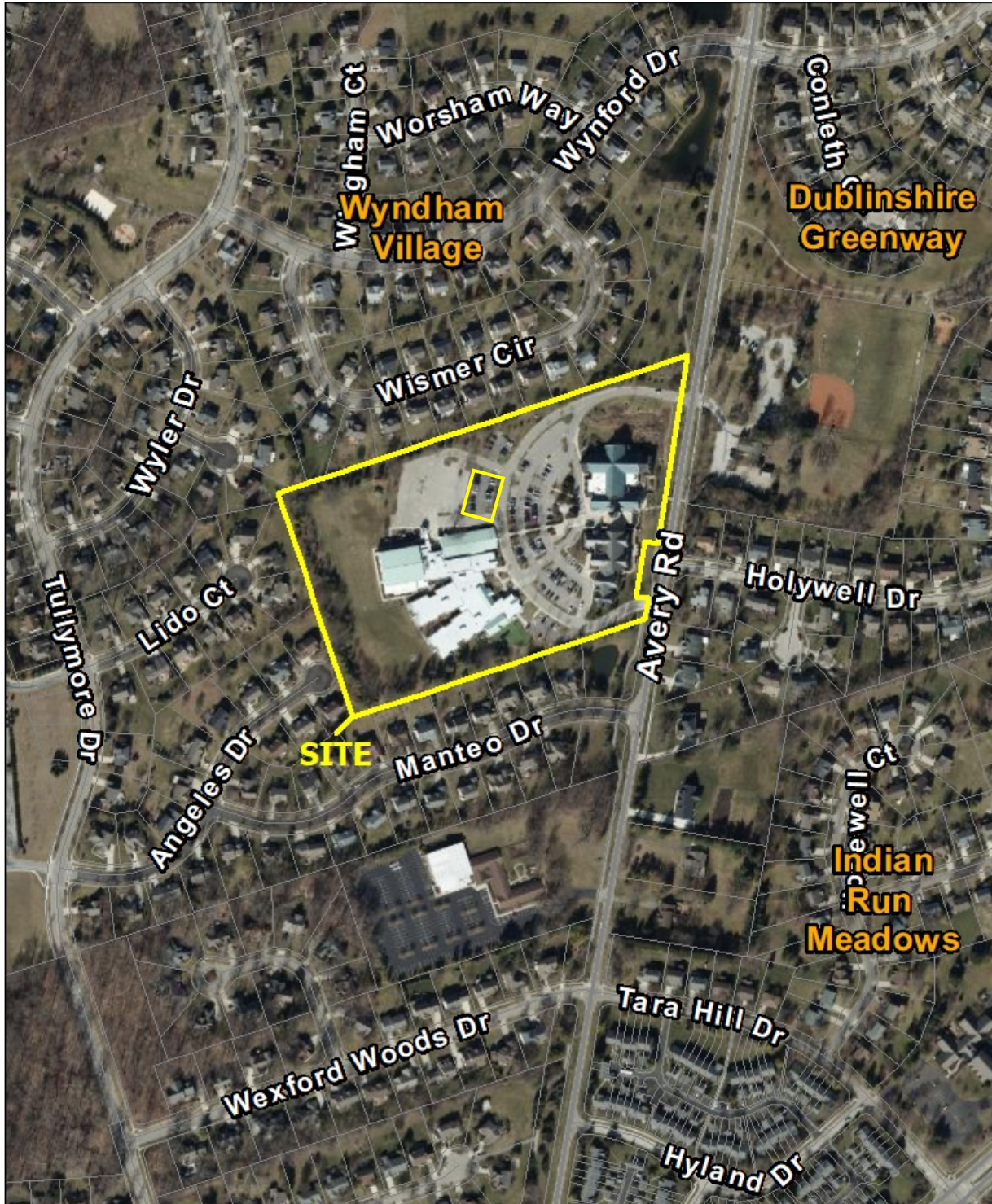
## Next Steps



The Board of Zoning Appeals (BZA) is the final reviewing body for this application. Upon approval from the BZA, the applicant is permitted to retain the two, modular classrooms for the duration of the school year.

**Zoning Map**



## 1. Context Map



 <p>City of Dublin</p>	<p>21-146SP Special Permit 7179 Avery Road</p>	<p>0 155 310 Feet</p> 
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## 2. Overview

### Background

The 14.39-acre site is presently developed with a 23,646-square-foot church, originally built in 1990 and incrementally expanded overtime. Two vehicular access points are provided along Avery Road at the north and south ends of the site. The church is sited along Avery Road with a 14,233-square-foot pastoral center located south of the church, and a 279-space parking lot, including parallel spaces along the main drive aisle, between the church and school. The 67,448-square-foot, kindergarten through 8<sup>th</sup> grade school and athletic facility are located south of the parking lot. Stormwater detention areas are located east and north of the church and the site is densely buffered from surrounding neighborhoods with mounding and mature trees along the perimeter. Additional land owned by the church is located east of Avery Road, which provides a variety of supplemental amenities, as well as an overflow parking area.

### Case History

#### 1995

The BZA approved a parking Variance and parking agreement between the church and school, reducing required parking from 470 spaces to 300 spaces and allowing the two uses to share parking due to complementary hours of operation.

#### 2009

Since the church was originally constructed in 1990, and the school in 1995, the church has expanded several times. When, in 2009, the applicant applied for a building permit to expand the existing church sanctuary, it was determined that a previous building permit issued in error had resulted in a 49.7% lot coverage (over the 45% permitted in the R-1 District).

To allow the building expansion to proceed, the applicant applied for a Variance to permit the lot coverage on the church site to be 54.8%, which included the church expansion, and the construction of 68 new parking spaces in the northwest corner of the site. The BZA disapproved the lot coverage Variance, finding that the applicable review criteria had not been met, therefore requiring the site to comply with the permitted lot coverage (45%).

To meet the requirement, the applicant was issued a building permit to remove two parking areas to decrease impervious surface. To account for the parking required for the church expansion after the removal of existing spaces, the BZA approved a Variance to exceed the 500-foot maximum distance required for off-site shared parking. The applicant secured a shared parking agreement for 224 overflow spaces at the Radiant Life church site, which is located approximately 1,000 feet south of the site. This is in addition to the 102 spaces St. Brigid's property east of Avery Road and 279 spaces on the main church site (west of Avery Road).

### Site Conditions

#### *Natural Features*

The site is developed with mature evergreen and deciduous trees located along the north, south, and west property lines. A small stream is located north of the church crossing under Avery Road to the church's eastern parcel.

### *Surrounding Land Use and Development Character*

North: PLR, Planned Low Density Residential District (Single-Family Residential)

East: R-1, Restricted Suburban Residential District (Church)

South: PLR, Planned Low Density Residential District (Single-Family Residential)

West: PLR, Planned Low Density Residential District (Single-Family Residential)

### *Road, Pedestrian and Bike Network*

The site has vehicular access on Avery Road. There is shared use path that extend along the Avery Road frontage providing regional connectivity. A marked pedestrian crossing is provided across Avery Road connecting St. Brigid's east and west parcels. Numerous sidewalks interior to the site provide safe and efficient circulation through the site.

### *Utilities*

The site is served by public utilities including water, sewer, and storm. The existing modular classrooms are connected to the public utility system.

### **Process**

Zoning Code Section 153.231(C)(2) allows the Board of Zoning Appeals to authorize special permits. Code Section 153.097 provides for the use of Portable Classrooms under special circumstances for a duration not to exceed a year. A Portable Classroom is defined as *"a manufactured structure not permanently attached to the ground, used on a temporary basis in conjunction with a permanent structure."*

Subsequent to approval by the Board, a Certificate of Zoning Plan Approval is issued by the Director of Planning or designee for any portable structure.

### **Covid-19 Pandemic Executive Order**

On March 17, 2020, the City of Dublin declared a State of Emergency in alignment with the Governor's State of Emergency. Additionally, an Executive Order was issued amending Chapter 153 of the City Code to temporarily permit portable nonresidential structures (versus requiring a Special Permit to be approved by BZA). The intent was to provide flexibility for a variety of uses, particularly schools and hospitals, to quickly pivot to meet the needs of the community. In the case of schools, providing additional space between students was determined to be critical in minimizing the incidents of coronavirus transmission. In many cases, portable classrooms were deployed to meet the need. The original Executive Order expired concurrently with the lifting of the City and State States of Emergency on May 24, 2021. City Council elected to extend the order through October 31, 2021 and is presently considering extending the order through February 28, 2022. There is no anticipation the order will be further extended into Spring 2022 and beyond. St. Brigid's has identified a need to retain two, modular classroom units through the end of the 2021-2022 school year culminating in June 2022. St. Brigid's intends to remove the modular classroom units prior to the 2022-2023 school year.

## Proposal

The applicant is requesting approval of a Special Permit to retain two, existing, modular classroom units presently serving as dedicated space for half-day Pre-K. The two units are located immediately north of the school within a paved parking area. The units are each approximately 23.5 feet in width by 64 feet in length and 15 feet in height. Each unit is 1,505 square feet in size and accessed via a shared aluminum ramp located between the two units. The units are temperature controlled containing restroom facilities and classroom space. The units occupy an existing asphalt parking pod containing 19 parking spaces resulting in a total of 260 parking spaces available to patrons of the church and school.



### *Applicant Statement/Planning Analysis*

The applicant has provided an oral statement indicating that the temporary reduction in parking has not impacted the church throughout the pandemic, as presently there are a reduced number of services with lower attendance rates than prior to the pandemic. Additionally, the church provides opportunities for online worship that were not previously available. School enrollment has largely remained consistent although some families have opted for alternative schooling options due to the pandemic, resulting in a small reduction in total enrollment. The modular classrooms allow for more flexibility to provide greater separation between students and opportunities for outdoor learning. The classrooms are only used during school hours on weekdays. While the flexibility has been critical over the last 1.5 years, the school intends to remove the modular classrooms at the end of the school year and to reincorporate students into the main buildings next school year.

Staff has evaluated the request and determined that continuation of the use of Portable Classrooms, as defined in the Code, is appropriate given the unforeseen pandemic. Additionally, the modular classroom buildings are accessory to primary uses on the site (Church and School). The modular classrooms will remain in their existing location, which allows for safe pedestrian and vehicular circulation throughout the site. The structures are centrally located on the site, closest to the school building and farthest from the property lines. The structures are generally screened from adjacent property lines by existing mounding and trees.

## 3. Criteria Analysis

Zoning Code Section 153.231(G)(3) allows the Board of Zoning Appeals to approve requests for Special Permits in cases where the Board finds the criteria set-forth in the Code met.

### A. Special Permit [153.231(G)(3)]

**All three of the following criteria must be met:**

#### 1) The proposed use meets the applicable requirements established by the Code

**Criteria Met.** The proposal meets all requirements of the Code in regards to Special Permits and specifically considerations for authorizing temporary Portable Classrooms.

**2) The proposed use is compatible with the existing land use and the general development and character of the neighborhood.**

**Criteria Met.** The short-term nature of the request and the central location of the classrooms adjacent to the existing school buildings will not alter the impact on the existing development and character of the area.

**3) The use can be developed and maintained without substantially impairing the general purpose and intent of the zoning district in which the use is proposed to be located.**

**Criteria Met.** The proposed use will be maintained without interfering with the operations of the St. Brigid of Kildare School. The two, modular classrooms have successfully and without incident operated in place since the onset of the pandemic. Due to limited duration of their continued use the intent of the Zoning District will be retained.

#### **4. Recommendation**

Planning Staff recommends **Approval** of the Special Permit with no conditions.