City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: January 4, 2016

Item: RESOLUTION NO. 2016-001
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Resolution
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 12/14/2015

Recommended Action: Planning and Zoning Commission recommended approval for a two-year Special Use Permit by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 047-15: 1918 South Sergeant Avenue - A request for a Special Use Permit (First Request) for the operation of a Day Care Center – Mireya Gonzalez.

STAFF SUMMARY:
The applicant is requesting a permanent Special Use Permit to operate a Day Care Center at 1918 South Sergeant Avenue. The Permittee will be renting this duplex. This is an existing Day Care Center – formerly known as Curiosity Corner – that is under new ownership.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit is issued to Mireya Gonzalez for the operation of a family child care home at 1918 South Sergeant Avenue.
2. The permit shall be valid for two (2) years renewable in December 2017.
3. One (1) parking space for each employee shall be provided.
4. Compliance with all provisions of Code of State Regulations, Title 19 – Department of Health and Senior Services, Division 30 – Division of Health Standards and Licensure, Chapter 60 – License-Exempt Child Care Facilities, Chapter 61 – Licensing Rules for Family Day Care Homes RSMo, as amended is required.
5. The compliance with all provisions of the Fire/Safety codes as required by the State Fire Marshal is required.
6. The number of children allowed in the facility at any one time shall be limited to the amount determined by the Department of Health and Senior Services, Bureau of Child Care.

7. The operator of the facility located at 1918 South Sergeant Avenue shall provide information from a certified laboratory indicating that the corrected lead levels for lead in the soil does not exceed 400 ppm (parts per million) as required by the Missouri Department of Health letter to the City of Joplin dated August 30, 1995. This condition is placed on those areas for the permitted Child Care Facility used as playgrounds by the children under the Permittee's supervision.
8. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
9. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Christian Gurubel appeared representing Ms. Gonzalez. The property is currently a day care center, with Mr. Gurubel and Ms. Gonzalez assuming operation of the day care. They understood they must apply for a new Special Use Permit if the ownership changes.

Mr. Eastman asked Ms. Cunningham if any complaints have been received regarding this operation in the past, and she replied no.

Mr. Gurubel stated the day care center has been in operation for 20 years at this location.

Ms. Cunningham stated the facility is currently named Curiosity Corner. She visited with the Joplin Health Department, who reiterated the lead testing has been conducted, but the lead abatement has already been completed.

Mr. Ramsour asked if the entire building is being used as the day care center, and Mr. Gurubel replied yes.

PUBLIC COMMENT:
None.