Z&P Meeting: December 14, 2015
City Council Meeting: January 4, 2016

STAFF PLANNING REPORT
Special Use Permit

CASE 047-15: A request for a Special Use Permit (1st Request) for the operation of a Day Care Center.

LOCATION: 1918 South Sergeant Avenue

APPLICANT: Mireya Gonzalez

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Day Care Center	Approx. 10,000 sq ft

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	C-1	C-1	R-1
Land Use	Residential	Commercial	Commercial	Residential

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
20th Street	Arterial	75'
Sergeant Avenue	Secondary	60'

IS OFF STREET PARKING PROVIDED?

Yes.

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

This property is grandfathered in under its current zoning, but its use is appropriate for an industrial classification.

DISCUSSION

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.

CONDITIONS FOR CONSIDERATION

1. This Special Use Permit is issued to Mireya Gonzalez for the operation of a family child care home at 1918 S Sergeant.

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.

Staff recommends approval of Case 047-15.

SPECIAL USE PERMIT APPLICATION

RECEIVED 11-23-15

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 049-15
Filing Fee: $ 350.00
Date Advertised:
Date Notices Sent 11-30-15
Public Hearing Date: 12-14-15

APPLICANT: MIREY GONZALEZ PHONE: 417-385-8071

ADDRESS: 4542 E. 26TH ST ZIP: 64804

OWNER: MIREY GONZALEZ/SHEA REYNOLDS PHONE: 417-385-8071

ADDRESS: 4542 E. 26TH ST ZIP:

LOCATION OF PROPERTY: 1918 SERGEANT AVE. Joplin MO 64804

LEGAL DESCRIPTION:

PRESENT ZONING CLASSIFICATION: RESIDENTIAL ACREAGE: 0.2382

PRESENT USE OF PROPERTY: DAYCARE

PROPOSED LAND USE ACTIVITY: DAYCARE

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	R-1	RESIDENTIAL
South	C-1	COMMERCIAL
East	C-1	RESIDENTIAL
West	R-1	RESIDENTIAL

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

	Yes	No
1. Is deemed necessary for the public convenience at that location.	☑	☐
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	☑	☐
3. Is found to be generally compatible with the neighborhood in which it is proposed.	☑	☐
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.	☑	☐
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	☑	☐
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	☑	☐

Should this special use be valid only for a specific time period? Yes ☐ No ☒

If Yes, what length of time? _____

SIGNATURE: Mireya Gonzalez Shea Reynolds DATE: 11/23/15

BY: Mireya Gonzalez TITLE: Director

Attachments Required:

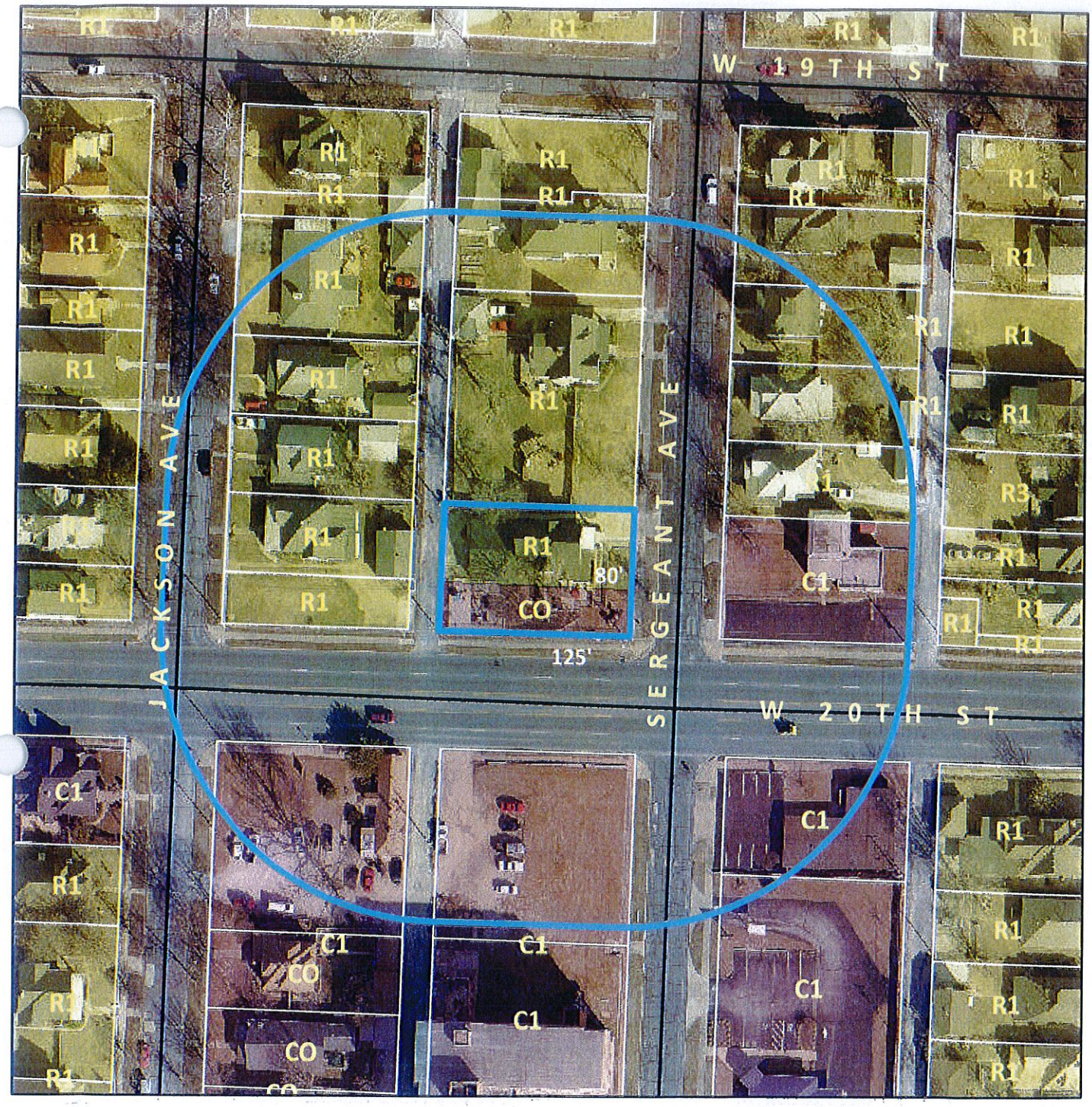
1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may effect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin

The Special Use Permit that will be issued will have set of conditions that will require information regarding the following: (Additional conditions may be imposed by the Commission and Council)

1. Hours of Operation. 6am - 9 pm
2. Days of Operation. 5 DAYS A WEEK
3. Number of Off-street Parking Spaces. _____
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.) NONE
5. Number of Assistants or employees. 2
6. Nature of the Business. DAY CARE
7. Location of the Business. 1918 SERGEANT AVE. Joplin MO 64804

Violation of any condition will cause a complaint to be filed with the Municipal Court and the Permit will be suspended immediately requiring reapplication.

1. Business is currently in operation as a Daycare facility.
2. There are no negative effects to the public health, safety, and welfare.
3. Is situated on 20th and Sergeant Street which is a commercial corridor.
4. The present building footprint is not going to be altered.
5. No additional parking will be added.
6. Necessary facilities are presently available.



Case 047-15: 1918 S Sergeant Ave - A request for a Special Use Permit (1st Request) for the operation of a Day Care Center - Mirey Gonzalez.

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

Mr. Eastman opened the public hearing for Case 047-15.

Mr. Christian Gurubel, 4542 East 26th Street, Joplin, 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.

Mr. Eastman asked for comments from the audience.

Ms. Catherine Griffith, 1819 Broadway, Joplin, received a letter stating the property at the northeast corner of Broadway and Buchanan Road is to be rezoned for duplexes. Mr. Eastman stated the commissioners approved the rezoning of that property.

Ms. Griffith asked about the plans for the property, and Ms. Cunningham will show her a plat for the proposed development following the meeting.

Mr. Eastman asked for comments from the commissioners and the audience for Case 047-15, and none were received. He then closed the public hearing for Case 047-15.

MR. CORTEZ MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 047-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR A TWO-YEAR SPECIAL USE PERMIT TO BE ISSUED TO MIREYA GONZALEZ, BASED ON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).