Z&P Meeting: March 9, 2015
City Council Meeting: April 6, 2015

STAFF PLANNING REPORT
Special Use Permit

CASE 005-15: A request for a Special Use Permit (1st Request) for the operation of a family child care home.

LOCATION: 1415 S Michigan Ave

APPLICANT: Natasha Russell

REQUESTED USE: Family Child Care Home

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-2, Residential Duplexes	Residential	15,000 sq ft

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-2	R-1	R-2	R-2
Land Use	Duplex	Single family residential	Duplex	Duplex

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Michigan Avenue	Secondary	60'
14th Street	Secondary	50'

IS OFF STREET PARKING PROVIDED?

Yes. Parking is provided on site.

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

No.

DISCUSSION:

The applicant is requesting a permanent Special Use Permit to operate a family child care home at 1415 S Michigan Ave. The Permittee will be renting this duplex. Children at this facility will be from birth to three (3) years of age; there will be no more than five (5) children cared for at one time.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit is issued to Natasha Russell for the operation of a family child care home at 1415 S Michigan Ave.
2. The permit shall be valid for two (2) years renewable in May 2017.
3. Care shall be given to no more than ten (10) children not related to the provider.
4. One (1) parking space for each employee shall be provided.
5. 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.
6. The compliance with all provisions of the Fire/Safety codes as required by the State Fire Marshal is required.
7. 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.
8. The operator of the facility located at 1415 S Michigan 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.
9. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
10. Any other conditions set by the City Council of the City of Joplin.

Staff recommends approval of Case 005-15.

SPECIAL USE PERMIT APPLICATION

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.: 005-15
Filing Fee: $ 350.00
Date Advertised: 2-22-15
Date Notices Sent 2-24-15
Public Hearing Date: 3-9-15

APPLICANT: Natasha Russell PHONE: 417-317-6338
ADDRESS: P.O. Box 97 ZIP: 64858
OWNER: Sally Nichols PHONE: 417-850-5301
ADDRESS: 2623 S. Michigan Ave. ZIP: 64804
LOCATION OF PROPERTY: 1415 S. Michigan Ave.
*LEGAL DESCRIPTION:

PRESENT ZONING CLASSIFICATION: ~~R-1~~ R-2 ACREAGE: 0.344
PRESENT USE OF PROPERTY: Residential

PROPOSED LAND USE ACTIVITY: Residental / Child care home

ADJACENT ZONING AND LAND USE:

	Land Use	*Zoning
North	Duplex	R-2
South	Duplex	R-2
East	Residential	R-1
West	Duplex	R-2

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? 2 years

SIGNATURE: Natasha J Russell DATE: 2-19-15

BY: Natasha Russell TITLE: _____

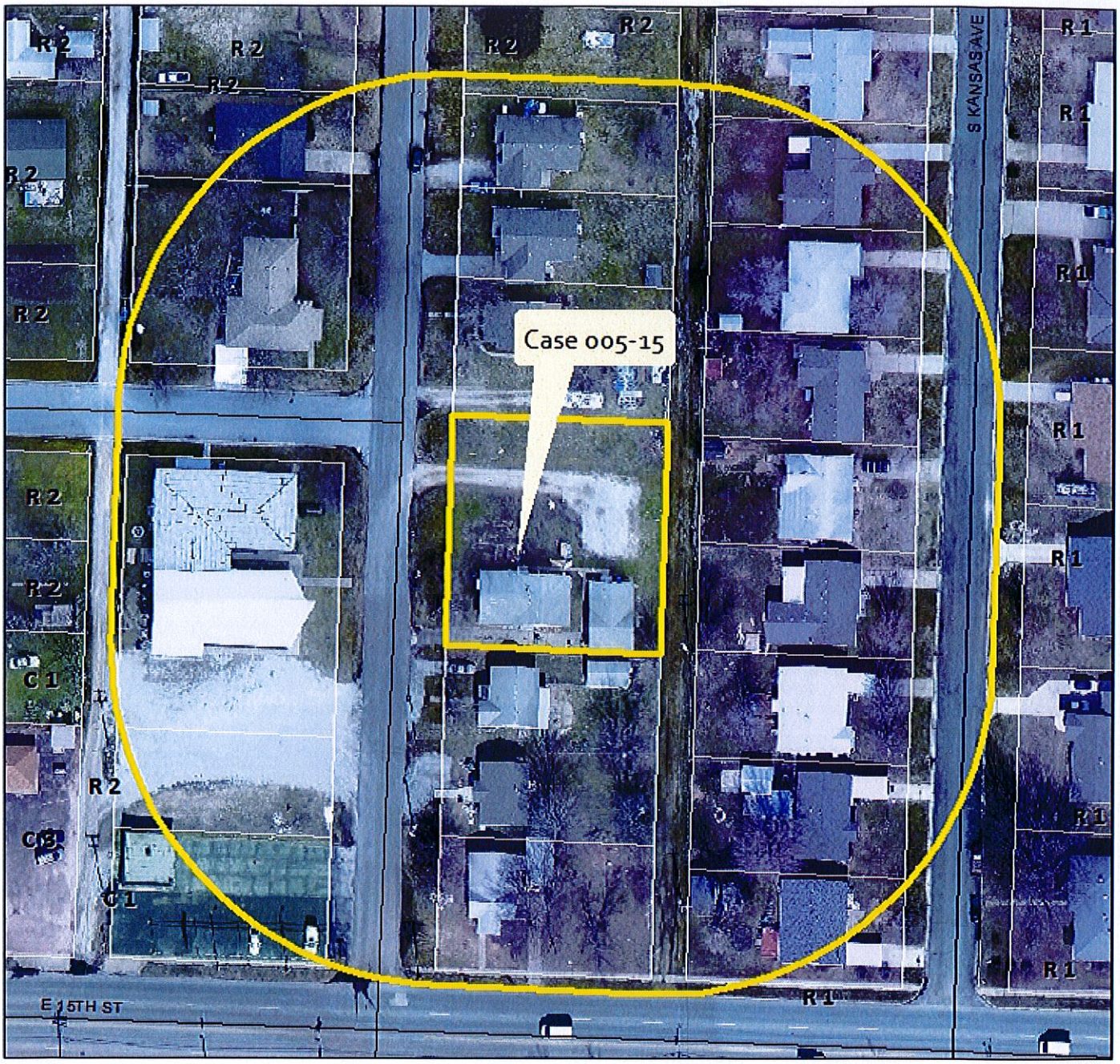
Attachments Required:

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. 7:30-5:30
2. Days of Operation. Mon-Fri. Occassional weekends
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. none
6. Nature of the Business. Child Care
7. Location of the Business. 1413 S. Michigan Ave.

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



0 100 200 400 Feet

Case 005-15 A request for a Special Use Permit at 1415 S Michigan to operate a family child care home. Current zoning is R-2, residential duplexes - Natasha Russell.

N

Case 005-15: 1415 South Michigan Avenue – A request for a Special Use Permit (first request) for the operation of a family child care home – Natasha Russell.

Mr. Eastman opened the public hearing for Case 005-15.

Ms. Natasha Russell, 1415 South Michigan Avenue, Joplin, appeared to request a Special Use Permit for the operation of a home day care.

Mr. Duncan asked Ms. Russell if there would no more than five children as stated on her application. She is requesting licensing for 10 children, with the facility operating for no more than 10 hours per day. The hours of operation will be from 7:30 a.m. to 5:30 p.m., with her and her family using the property as residential when the child care home is not in operation.

Mr. Eastman asked Ms. Russell if the residents to the south are aware of her plans, and she replied that they are. Mr. Eastman asked about the tenants next door, and Ms. Russell replied they were outside when the fire marshal came to visit her property. She explained who she was and why the fire marshal was there.

Mr. Ramsour asked Ms. Russell if she is altering the building to accommodate this operation. She is installing carbon monoxide detectors and hard wired smoke alarms, along with erection of fencing for a play area. She will also construct two ramps, one at the front entrance and one at the side entrance as per the fire marshal's orders.

Mr. Ramsour asked if the children will enter the facility on the north side of the building. Ms. Russell replied there will be two entrances, one on the north side and one on the east side.

Mr. Cortez asked Ms. Russell if she is leasing this building from Sally Nichols, and she replied yes. Mr. Cortez asked Ms. Russell if she has Ms. Nichols' permission to operate this day care, and she replied that Ms. Nichols is agreeable with the operation. The City of Joplin asked Ms. Nichols for the legal description for the property.

Mr. Cortez asked Ms. Russell if she is caring for any children at this location at this time, and she replied she is not. Mr. Cortez asked Ms. Russell if she will begin advertising for her business once the Special Use Permit is approved, and she replied she already has business lined up. The city and state fire marshals and the child care licensing bureau from Springfield have visited the property, with the sanitation bureau visiting the property later this week. She will begin keeping children once she has met all of their requirements, and they have re-inspected the property.

Mr. Smith asked if there will be no off-street parking once the fence is erected, and Ms. Russell replied that is correct. She has a long driveway in front of the house, with a gravel driveway around the back since duplexes are adjacent to the back of the property.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 005-15.

MR. SMITH MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 005-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A TWO-YEAR SPECIAL USE PERMIT TO BE ISSUED TO

NATASHA RUSSELL, BASED UPON 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).