City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 1, 2016

Item: RESOLUTION NO. 2016-016
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: 7/11/2016

Recommended Action: Planning and Zoning Commission recommended tabling this request by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 022-16: 2306 Xenia Street – A request for a Special Use Permit (First Request) for the operation of a Day Care Home – Yvonne Vonderosa.

STAFF SUMMARY:
This Special Use Permit request is for the operation of a Day Care Home at 2306 Xenia Street. This is a permitted home occupation conditional upon the issuance of a Special Use Permit from the City of Joplin. The day care will be limited to ten children and will have one employee. Operational hours will be from 6:30 a.m. to 5:30 p.m., Monday through Friday. There are two off street parking spaces provided by the property owner.

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

1. This Special Use Permit is issued to Yvonne Vonderosa for the operation of a Day Care Home at 2306 Xenia Street.
2. The permit shall be valid for two (2) years renewable in July 2018.
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 Marshall 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 2306 Xenia Street 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.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Yvonne Vonderosa appeared to request a special use permit for the operation of a home day care. She has 21 years' experience with the school district and some commercial day cares.

Mr. Duncan noticed Ms. Vonderosa's back yard is fenced and asked if there is a playground area for the children. She has some tricycles and small toys but plans on purchasing a Little Tykes slide and a small playhouse.

Mr. Duncan asked about a square footage requirement per child. Ms. Vonderosa isn't exactly sure of the square footage requirement but stated she is in compliance with everything.

Mr. Ramsour asked if the chain link fence is sufficient, and Ms. Vonderosa replied yes. The bikes will be stored inside the garage.

Mr. Cortez asked if it will be difficult for people to turn around when they drop off children since Xenia Street is not a through street. Ms. Vonderosa replied they can drive to Florida Avenue or Independence Avenue and circle around the block.

PUBLIC COMMENT:
Mr. Randy Owens owns the property at 2306 Xenia Street where Ms. Vonderosa plans to open the day care. He supports her plans and believes she would do a good job for the city and the families she would serve. However, he has a problem with the liability insurance as long as he owns the property. His insurance agent and his attorney have advised him to speak in opposition until the liability issues are resolved.

Mr. Owens stated his name is still on the deed. He has a contract for deed where Ms. Vonderosa is purchasing the property, and he is selling. He believes the issue can be resolved to remove his name from the deed since he doesn't want any liability with this venture whatsoever. He wants Ms. Vonderosa to continue to buy the house and to succeed with what she wants to do.

Mr. Ramsour asked Mr. Owens about his timeline on resolving these issues, and he replied as soon as possible. He can ask his attorney to prepare the financial documents, with the recording of the deed with Jasper County. He thought the process will take three weeks if everything cooperates. He owns the house "free and clear" with the purchase just being between Ms. Vonderosa and himself, his attorney, and the recorder of deeds.

Mr. Smith asked if Ms. Vonderosa could purchase a rider on her insurance to satisfy Mr. Owens' requirements. Mr. Owens replied not at this time.

Ms. Cunningham would recommend tabling this request, with a permit not being granted until all the legal issues between Mr. Owens and Ms. Vonderosa are resolved.