Z&P Meeting: July 11, 2016
City Council Meeting: August 1, 2016

STAFF PLANNING REPORT
Special Use Permit

CASE 022-16 A request for a Special Use Permit (1st Request) for the operation of a Day Care Home.

LOCATION 2306 East Xenia Street

APPLICANT Yvonne Vonderosa

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1 Single Family Residential	Residential	8,160 sq ft

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-1
Land Use	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Xenia Street	Secondary	40'

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

No.

UTILITIES Yes.

FLOOD PLAIN N/A

STAFF ANALYSIS

DISCUSSION

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.

Conditions

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.

Staff recommends approval of Case 022-16.

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.: 022-16
Filing Fee: $ 450.00
Date Advertised: 6-26-16
Date Notices Sent 6-27-16
Public Hearing Date: 7-11-16

APPLICANT: Yvonne Verderosa PHONE: 417-621-1680
ADDRESS: 2306 E. Xenia Street EMAIL: vons.kidz@gmail.com

OWNER: Yvonne Verderosa PHONE: 417-621-1680
ADDRESS: 2306 E. Xenia Street EMAIL: vons.kidz@gmail.com
LOCATION OF PROPERTY: 2306 E. Xenia street Joplin Mo. 64801

LEGAL DESCRIPTION: ALL OF THE EAST 52.5 FEET OF LOTS NUMBERED SIX HUNDRED SEVENTY-ONE (671) AND SIX HUNDRED SEVENTY-TWO (672) AND THE WEST 15.5 FEET OF LOT NUMBERED SIX HUNDRED SEVENTY-THREE (673) IN ROYAL HEIGHTS SUB-DIVISION OF PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 28, RANGE 33, NOW IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

PRESENT ZONING CLASSIFICATION: R-1 ACREAGE: .2 acres

PRESENT USE OF PROPERTY: Single-Family Residence

PROPOSED LAND USE ACTIVITY: In Home Daycare

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	Single-family residence	R-1
South	Single-family residence	R-1
East	Single-family residence	R-1
West	Single-family residence	R-1

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.	X	
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	X	

3. Is found to be generally compatible with the neighborhood in which it is proposed. ____X____ _____

4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. ____X____ _____

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. ____X____ _____

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. ____X____ _____

Should this special use be valid only for a specific time period? Yes _____ No __X__
If Yes, what length of time? _____

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 impact the character of the surrounding properties; and how the proposed use will benefit the City of Joplin.
3. Site plans and landscape plans must be submitted for the site before a Special Use Permit can be advertised for public hearing.

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. 6:30am to 5:30 pm
2. Days of Operation. Monday through Friday
3. Number of Off-street Parking Spaces. Two
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: One.
6. Nature of the Business. Childcare
7. Location of the Business. 2306 E. Xenia street Joplin Mo. 64801

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

SIGNATURE: _____ DATE: _____

BY: Yvonne Verderosa TITLE: Owner

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: Joanne Henderson DATE: 6-9-16

BY: _____ 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. _____
2. Days of Operation. _____
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.) _____
5. Number of Assistants or employees. _____
6. Nature of the Business. _____
7. Location of the Business. _____

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



Case 022-16: 2306 East Xenia - A request for a Special Use Permit (1st Request) for the operation of a Day Care Home - Yvonne Vonderosa.

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.

Mr. Smith opened the public hearing for Case 022-16.

Ms. Yvonne Vonderosa, 2306 Xenia Street, Joplin, appeared to request a special use permit for the operation of a home day care. She believes it would be an asset to the community. 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, and Ms. Vonderosa replied she is in compliance. She 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.

Mr. Smith asked for comments from the audience.

Mr. Randy Owens, 2289 County Road 176, Carthage, Missouri, owns the property at 2306 Xenia Street where Ms. Vonderosa plans to open the day care. Mr. Owens supports the concept of what she plans to do 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. Everything is being handled in Jasper County. He can ask his attorney to prepare the financial documents, with the recording of the deed with the 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.

Mr. Smith asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 022-16.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 022-16 BE TABLED, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).