

## **Staff Report**

**ACTION ITEM:** Request for a Special Use Permit for an In-Home Daycare in an R-1 Single Family Residential District at 716 W. Washington St.

**APPLICANT:** Angela & Kaleb Hahn

**APPLICANT STATUS:** Property Owners / Residents

**PURPOSE:** To open an in-home daycare in their home to serve up to 10 children

**SIZE:** Lot size: approx. 6,400 sq. ft.; Home size: 1,026 sq. ft. main floor with full walk-up basement

**PRESENT USES:** Single family residential

**PROPOSED USE:** Single Family Residence with in-home daycare

**SURROUNDING LAND USE:** North – R-4 General Residential; South – R-2 Single Family Residential; East – R-4 General Residential; West – R-4 General Residential

**HISTORY:** This property is a single-family home built about 1950.

**TRANSPORTATION AND PARKING:** Parking would need to meet the following requirement for home occupations: 3 off-street parking spaces for home occupation and home. The existing carport and driveway provide 3 parking spaces. On-street parking does not count in this requirement for off-street parking.

**APPLICABLE REGULATIONS:** Zoning Code (Chapter 65):

*Note: R-4's allowance for a Special Use Permit for a stand-alone daycare (not classified as a home occupation) does not apply because lot does not meet 15,000 sq. ft. minimum.*

### **Sec. 65-2. Definitions.**

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on wholly within the main building or an existing accessory building by an immediate member of the family residing on the premises; provided that:

- (1) No person not a resident of the premises is employed, engaged, or present on the premises in relation to the business.
- (2) No substantial stock in trade is kept or sold upon the premises.
- (3) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, xray, or electrical disturbance to radio or television instruments.

- (4) No generation of substantial volumes of vehicular or pedestrian traffic or substantial parking demand shall be created.
- (5) No advertising sign is displayed, other than a nameplate not exceeding one and one-half (1½) square foot in area, and there is no other exterior indication that the building is being used for any purpose other than a dwelling.
- (6) No signed or marked vehicle showing a business name or logo shall be parked on or adjacent to the premises except when used as the primary means of personal transportation to the residence by a person residing at the residence.
- (7) No business trailer shall be parked on or adjacent to the premises except when in actual use for the residence, but in no event shall it be kept overnight.

### **Sec. 65-5. - R-4 General residential district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
  - b. Home occupations listed below which also meet the home occupation definition in section 65-2:
    - 1. Art studio.
    - 2. Babysitting limited to no more than four (4) children under the age of seventeen (17) at one (1) time.
    - 3. Eldercare limited to no more than four (4) adults under care at one (1) time.
    - 4. Dressmaking or tailoring.
    - 5. Home crafts, provided that no machinery or equipment is used other than that customarily used for household purposes.
    - 6. Teaching, including music instruction, limited to not more than two (2) pupils at one (1) time.
    - 7. Telephone, computer, or Internet occupations which comply with the definition of a home occupation.
    - 8. Supporting office operations for a business conducted at other locations when the office operations comply with the definition of a home occupation.
    - 9. Other home occupations which comply with the general requirements for a home occupation but are not within the listed allowable home occupations with a special use permit only.

### **Sec. 65-22. - Off-street parking and loading regulations.**

- (4) *Schedule of minimum parking spaces required.*
  - b. *Commercial, industrial, and institutional.*

16. Home occupation: three (3) parking spaces, which number may include the required spaces for the residential dwelling and available driveway space.

**2009 COMPREHENSIVE PLAN:** Residential use

**FLOODPLAIN INFORMATION:** This property is not located in a floodplain per FEMA panel 29031C0143E dated 9/29/11

**PHYSICAL CHARACTERISTICS:** This is a mid-block lot with an attached carport and single-wide driveway.

**COMMENTS:**

The Commission has the option to place additional special conditions on their recommendation, such as hours of operation, number of children, number of off-street parking spaces, etc. The following are staff-recommended recommended special conditions and may be modified as desired by the Planning and Zoning Commission and Board of Aldermen:

1. No more than ten (10) children may be kept.
2. No employee or volunteer worker is permitted other than persons who reside in the home.
3. Operation of the daycare shall comply with State of Missouri regulations.
4. A minimum of three (3) off-street parking spaces shall be provided.
5. Hours of operation shall be no earlier than 6 a.m. and no later than 6 p.m.
6. Compliance with the zoning regulations for home occupations is required.
7. Compliance with city's adopted building code and fire code for in-home daycares is required.
8. Compliance with all other city codes is required.

**ACTION REQUIRED:** The Commission shall approve or deny this request based on the ability to comply with the regulations for home occupations. A public hearing at this level is optional but is recommended due to the residential neighborhood. A public hearing is required at the Board of Aldermen level. The P&Z decision serves as a recommendation to the Board of Aldermen. A positive recommendation requires a simple majority vote of the Board of Aldermen to approve the request. A negative recommendation requires a 2/3 majority of the vote of the Board of Aldermen for approval.