
AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Joshua Gentzler
DATE: September 15, 2023
SUBJECT: Hunt Conditional Use Permit – 104 Daisy Street

Overview: The Applicant is requesting the approval of a Day Care – In home, Major, as classified by Article 4 of the Lansing UDO. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Single-Family Residential. An In Home Day Care is allowed with a Conditional Use Permit as per UDO Article 4.03 Permitted Uses. The Applicant is licensed through the Kansas Department of Health and Environment (KDHE), license number 0009240, with a maximum capacity of 10 children. The UDO requires a Conditional Use Permit for any in-home day care with more than 6 children.

On August 16, 2023, the Planning Commission voted 6-0 (1 absence) to recommend approval of Case No. 2023-DEV-007, Hunt Day Care Conditional Use Permit.

Policy Consideration: n/a

Financial Consideration: n/a

Action: Staff recommends a motion to approve the Conditional Use Permit application for 104 Daisy Street.

AGENDA ITEM

Project Facts

Applicant

Cindy Lu Hunt

Property Owner

Joseph & Cindy Hunt

Address

104 Daisy Street

Property ID

106-24-0-20-05-010.00

Zoning

R-2 (Single-Unit Residential District)

Future Land Use

Single-Family Residential

Land

10,289 SF (0.2 acres)

Building

Existing: Single-family home &
Outbuilding
Proposed: N/A

Requested Approvals

Conditional Use Permit



Project Summary

Summary

The Applicant is requesting the approval of a Day Care – In home, Major, as classified by Article 4 of the Lansing UDO. The Future Land Use Map of the Lansing Comprehensive Plan categorizes this property as Single-Family Residential. An In Home Day Care is allowed with a Conditional Use Permit as per **UDO Article 4.03 Permitted Uses**. The Applicant is licensed through the Kansas Department of Health and Environment (KDHE), license number 0009240, with a maximum capacity of 10 children. The UDO requires a Conditional Use Permit for any in-home day care with more than 6 children.

Planning Commission Recommendation

After the public hearing on August 16, 2023, the Planning Commission voted 6-0 (1 absence) to recommend approval of Case No. 2023-DEV-007, Hunt Day Care Conditional Use Permit.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. There are no concerns marked as outstanding, and the application is in order.

Factors to Be Considered

The following factors are to be considered by the Planning Commission and the City Council when approving or disapproving this Conditional Use Permit request:		
	Met	Not Met
1. Character of the neighborhood <i>Density: Surrounding parcels range in size from 0.2 acres to 0.3 acres in size. The average size of parcel is 0.26 acres in size. The surrounding residential properties average 3.8 Dwelling Units per Acre. Character: The neighborhood consists of Single-family residential uses.</i>	✓	
2. Zoning and uses of nearby property <i>Adjacent Uses: Single-Family Residential Adjacent Zoning: R-2</i>	✓	
3. Suitability of the Property for the uses to which it has been restricted <i>The Property is suitable for the land uses restricted by R-2 zoning.</i>	✓	
4. Extent to which removal of the restrictions will detrimentally affect nearby property <i>Nearby properties are unlikely to be detrimentally affected if the current zoning were to remain in place</i>	✓	
5. Length of time the property has been vacant as zoned <i>Vacant: <input type="checkbox"/> Not Vacant: <input checked="" type="checkbox"/></i>		
6. Relative gain to economic development, public health, safety and welfare <i>The requested Conditional Use Permit application does have the potential to impact economic development, public health, safety or welfare by allowing the continuation of a Day Care for residents of the City of Lansing. This would contribute to the economic development of the city as another business would be allowed within the City.</i>	✓	
7. Conformance to the Comprehensive Plan <i>Future Land Use Map Category: Single-Family Residential Comprehensive Implementation Strategy (Article 6): The proposed use is compatible with the future land use designation.</i>	✓	

Acknowledgments

The following City of Lansing staff member reviewed this project and provided information for this report:

- Joshua Gentzler – Director, Community & Economic Development

The following City of Lansing stakeholder reviewed this project and provided information for this report:

- Ron Patterson – Field Supervisor, Lan-Del Water District

Staff Comments

The applicant is requesting a Conditional Use permit for a Day Care, In Home, Major on a R-2 – Single-Unit Residential District lot. Staff is generally in favor of this request.

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends approval of Case No. 2023-DEV-007, Hunt Day Care Conditional Use Permit, at 104 Daisy Street.

Action Options

1. Approve Resolution #B-5-2023 (Case No. 2023-DEV-007); or
2. Deny of Resolution #B-5-2023 (Case No. 2023-DEV-007) for specified reasons; or
3. Table the case to another date, time and place.

Attachments

1. Conditional Use Permit Checklist
2. Zoning Map
3. Future Land Use Map
4. 2023.07.21 Lan-Del Review

CONDITIONAL USE CHECKLIST

Checklist Completed by: Joshua Gentzler

Conditional Use Case No. 2023-DEV-007

Date Filed: July 10, 2023

Date Advertised: July 26, 2023

Date Notices Sent: July 26, 2023

Public Hearing Date: August 16, 2023

I. Applicant's Name: Cindy Hunt

Applicant's Authorized Agent: N/A

II. Information in Application Correct? Yes No

If no, explain: _____

III. Adjacent Zoning and Land Use:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single Family Dwelling	R-2
South	Single Family Dwelling	R-2
East	Single Family Dwelling	R-2
West	Single Family Dwelling	R-2

IV. Present Use of Property: The property is a single family dwelling lot in the 2nd Phase of the Adam's Acres plat .

V. Conditional Use Requested: Request a conditional use permit for Day Care- In Home, Major which would allow a small Day Care to operate on the property.

Reference Unified Development Ordinance Section 2.07, B. Review Criteria:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. Day Care - In Home, Major is allowed in R-2 zoning with a Conditional Use Permit.

Yes No

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. _____

Yes No

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. This location is currently developed and forecasted for single family development according to the Future Land Use Map. It is staff's opinion that this proposed conditional use meets this requirement.

Yes No

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. The use of the property as Day Care - In Home, Major to allow for a day care is ancillary to the primary use as a residential home site due to the overall size of the property.

Yes No

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. N/A

Yes No

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

Yes No

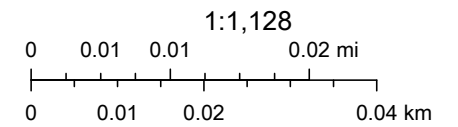
G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. The existing driveways and entrance points are sufficient for this type of use. There is expected to be minimal traffic generated by this proposed use.

Yes No

2023-DEV-007 CUP Hunt Day Care



August 7, 2023



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2023-DEV-2023 Future Land Use

Urban Growth Management Area



City Boundary



Parcels



Future Land Use

Future Land Use

- Airport
- Business Park/Light Industrial
- Civic
- Proposed from Civic to Single Family Residential
- Commercial
- High Density
- Proposed from High Density to Single Family Residential
- Medium Density
- Mixed Use
- Office
- Open Space Agriculture
- Parks
- Proposed from Parks to Single Family Residential
- Rural Residential
- Single-Family Residential



Joshua Gentzler

From: Ron Patterson <Rpatterson@lan-del.com>
Sent: Friday, July 21, 2023 12:52 PM
To: Joshua Gentzler
Subject: RE: Conditional Use Permit Request - Case 2023-DEV-007

Joshua,
Lan-del has no problems with this.
Thanks, Ron



From: Joshua Gentzler <jgentzler@lansingsks.org>
Sent: Wednesday, July 19, 2023 4:43 PM
To: Anthony Zell Jr. <azell@lansingsks.org>; Michael W. Spickelmier <mspickelmier@lansingsks.org>; mstackhouse@fd1lvco.org; dasmus@fd1lvco.org; Ron Patterson <Rpatterson@lan-del.com>; Gordon Cunning <gcunning@lansingsks.org>
Subject: Conditional Use Permit Request - Case 2023-DEV-007

All,

The City has received an application for a Conditional Use Permit request for the following:

Property Address: 104 Daisy Street
Current Zoning: R-1
Proposed Use: Daycare
PID (Quick Ref): 106-24-0-20-05-010.00 (R16008)
Owner: Cindy Lu Hunt
Applicant: Cindy Lu Hunt

I've attached the application and any additional documents to this email. This is a pre-existing daycare that was unaware of the City's requirement for a Conditional Use Permit for their daycare.

Please review the request and return any comments by Wednesday, July 26th, 2023.

Joshua Gentzler
Director, Community and Economic Development
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www.lansingsks.org