



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, May 25, 2021
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Request for Conditional Use Permit / daycare facility
<b>Background Information:</b>	<p>This request by the Church of the Holy Redeemer is for a Conditional Use Permit to operate a daycare facility serving 57 individuals at 501 South Whitney Street. The daycare facility is in the Holy Redeemer school building, which is in an R-1 One Family Residence District. A daycare facility serving more than 14 individuals is a conditional use in this district.</p> <p>This daycare has been located there for some time, possibly before the current Ordinance took effect. The Department of Human Services requested that the City confirms the daycare’s compliance with the Ordinance, so a conditional use permit is required for full compliance. To avoid a need for more Conditional Use Permits in the future in case the number of kids increases, the staff suggested a reference to permitted number of kids rather than specific number. There have never been any complaints on file for current operations.</p> <p>The conditional use permit regulations are found in Section 86-46  <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86_ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86_ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU</a>.</p> <p>At the Planning Commission meeting on May 12, 2021, after a public hearing, a motion was made by Fox, seconded by Knieff, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/Variations:</b>	None recommended.
<b>Recommendations:</b>	<p>Planning Commission recommends a motion to approve the request of the Church of the Holy Redeemer for a Conditional Use Permit for a daycare facility at 501 South Whitney Street with the following conditions applied:</p> <ol style="list-style-type: none"> <li>1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.</li> <li>2. That the City reserves the right to revoke the Conditional Use Permit if any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.</li> <li>3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.</li> <li>4. The use must be licensed by the State of Minnesota.</li> <li>5. The use is limited to serving no more than the number of individuals permitted by State Licensing Agency.</li> </ol>