



## **AGENDA ITEM ANALYSIS**

Project/Issue Name: 20-41 An Ordinance of the City Council of the City of Republic, Missouri Approving a Special Use Permit to Operate a Group Daycare for Children in a Residential Zoning District Located at 432 South Sherwood Avenue to Megan Sierk.

Submitted By: Megan Sierk

Date: September 14, 2020

### **Issue Statement**

Megan Sierk has applied for a Special Use Permit for the operation of a Group Day Care Home from her residence at 432 South Sherwood Avenue.

### **Discussion and/or Analysis**

The subject property of this application is identified as Lot 41 of Sunshine Estates Phase 2, which is comprised of approximately 0.18 acres of land. The Applicant currently resides at the dwelling unit (1,394 SF) occupying the premises. The zoning for this lot is High Density Single-Family Residential (R1-H). The property borders residential dwellings to the north, south, and east.

The Applicant is seeking the approval of this permit to provide a structured environment for students attending school virtually.

This application for a Special Use Permit for a Group Day Care Home, if approved, would allow the provider to care for not more than ten (10) children, not related to the provider. The provider is limited to caring for no more than two (2) children under the age of two (2) years without the support of a full-time adult assistant; with the support of a full-time adult assistant the provider may care for a maximum of four (4) children under the age of two (2).

The Applicant currently has a general business license with the City to operate as a Family Day Care Home. Such a license allows her to care for as many as six (6) children where the maximum number of children under the age of two (2) years is three (3).

The Applicant has applied with the State of Missouri Department of Health and Senior Services for a Family Child Care Home License on the subject property. Under Missouri law, this license would allow



the provider to care for “no more than ten (10) children, unrelated, for any part of the twenty-four (24) hour day”. The State has indicated that issuance of a license requires conformance with the municipal zoning code. In this case, such conformance would come in the form of approval of this Special Use Permit.

The addition of ten (10) children to the premises is expected to have only an incidental effect on Sanitary Sewer and Water infrastructure. Any traffic added by this operation, not originating from the Sunshine Estates subdivision, would likely approach from either Miller Road, a secondary arterial, or Basswood Avenue, a collector.

This Special Use Permit, were it approved, would be subject to a five year limit, renewable in accordance with the procedures set forth in Municipal Code Section 405.680.

#### **Recommended Action**

Staff recommends the approval of the proposed Special Use Permit for Megan Sierk at 432 South Sherwood but would like the Planning and Zoning Commission to consider placement of a condition on said permit.

Due to the circumstances surrounding the concurrent application for this Special Use Permit to operate as a Group Day Care Home and the Family Child Care Home License from the State, it is Staff’s recommendation that a condition be placed on the Special Use Permit requiring the Applicant be in possession of the aforementioned State License in order to operate as a Group Day Care Home.

Staff recommends the following language for the condition on this permit:

*It shall be unlawful for any person to establish, maintain or operate a child day care center for children or to advertise as being able to perform services for a child day care center without having, in full force and effect, a written license granted by the Missouri Department of Health and Senior Services (State license) [Municipal Code Section 605.015. Subsection F].*