BILL NO 15-34 **ORDINANCE NO. 4.325**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO CAROLINE'S HOUSE FOR OPERATION OF A CHILD CARE FACILITY ON PROPERTY AT 7260 NORTH ANTIOCH ROAD

WHEREAS, Pursuant to Section 32-39 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for a Special Use Permit on property at 7260 North Antioch Road, legally described as Tract B, Meadowbrook Manor North; and

WHEREAS, public hearings have been held after the publishing of the required notices; and

WHEREAS, the Planning Commission of the City of Gladstone did submit its recommendation to the City Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, as follows:

SECTION 1. That Los Ninos II Inc. d/b/a Caroline's House, is hereby granted a Special Use Permit for operation of a day care facility on property at 7260 N. Antioch Road, the effective date of which shall be the enactment date of this Ordinance and expiring 10 years from the date of passage of this ordinance , all subject to the following conditions:

1. This Special Use Permit is issued to Los Nino II Inc. d/b/a Caroline's House to be used at this address only. This Special Use Permit shall be non-transferable to any other person or company, or to any other location. Any change in operation of the business by Los Nino II Inc. or change in ownership shall render this Special Use Permit null and void.

2. Caroline's House shall maintain a Child Care License as required by the State of Missouri, Division of Family Services. If, for any reason, the State of Missouri revokes or suspends the Child Care License this Special Use Permit shall also be revoked or suspended.

3. The maximum number of children in care on the premises at any one time shall be limited to 73.

4. Hours of operation shall be limited to 6:30 AM to 6:30 PM, Monday through Friday.

5. Caroline's House shall maintain all applicable State and City business and occupational licenses.

6. Caroline's House shall comply with all fire safety requirements made by the City of Gladstone Fire Inspector in addition to all fire safety requirements for any State license.

7. Play areas designated on the site plan shall be fenced and shall be maintained in good condition. A privacy fence shall be maintained along the west property line of the property.

8. Any violation of these conditions may result in the cancellation of this Special Use Permit.

SECTION 2. SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 12TH DAY OF OCTOBER, 2015.

Mayor Bill Garnos

ATTEST:

Ruth E. Bocchino

1st Reading: October 12, 2015

2nd Reading: October 12, 2015

#1418

Community Development Department
Staff Report

Date: September 14, 2015
File #1418
Requested Action: Special Use Permit Renewal
Date of PC Consideration: September 21, 2015
(recommended approval 7-0)
Date of Council Consideration: October 12, 2015

Applicant: Jan Krug, DBA Caroline's House
5755 N. Northwood
Kansas City, MO 64151

Owner: KPJ, II, LLC
6440 NW Monticello Drive
Parkville, MO 64152

Architect: N/A

Address of property: 7260 N. Antioch
General location of property: NW Corner of NE 72nd Terrace and Antioch Road
Physical Characteristics: Existing day care facility

Planning Information

Current Zoning: Commercial Planned Office (CP-0)

Zoning History: Zoning CP-0 since approximately 1995

Planned Land Use: N/A

Streetscape Guidelines: N/A

Applicable Regulations: The Zoning Ordinance requires a special use permit to allow operation of a day care from the CP-0 zoning classification.

Additional Information

Public Utility Availability: Existing
Ingress/Egress: Drives onto NE 72nd Terrace and Antioch Road
Traffic Division Comments: N/A
Parking Required: N/A
Parking Provided: Approximately 15
Proposed On-Site Improvements: N/A
Proposed Off-Site Improvements: N/A
Proposed Landscaping: N/A
Proposed Signage: Existing

Recommended Conditions

See attached ordinance.

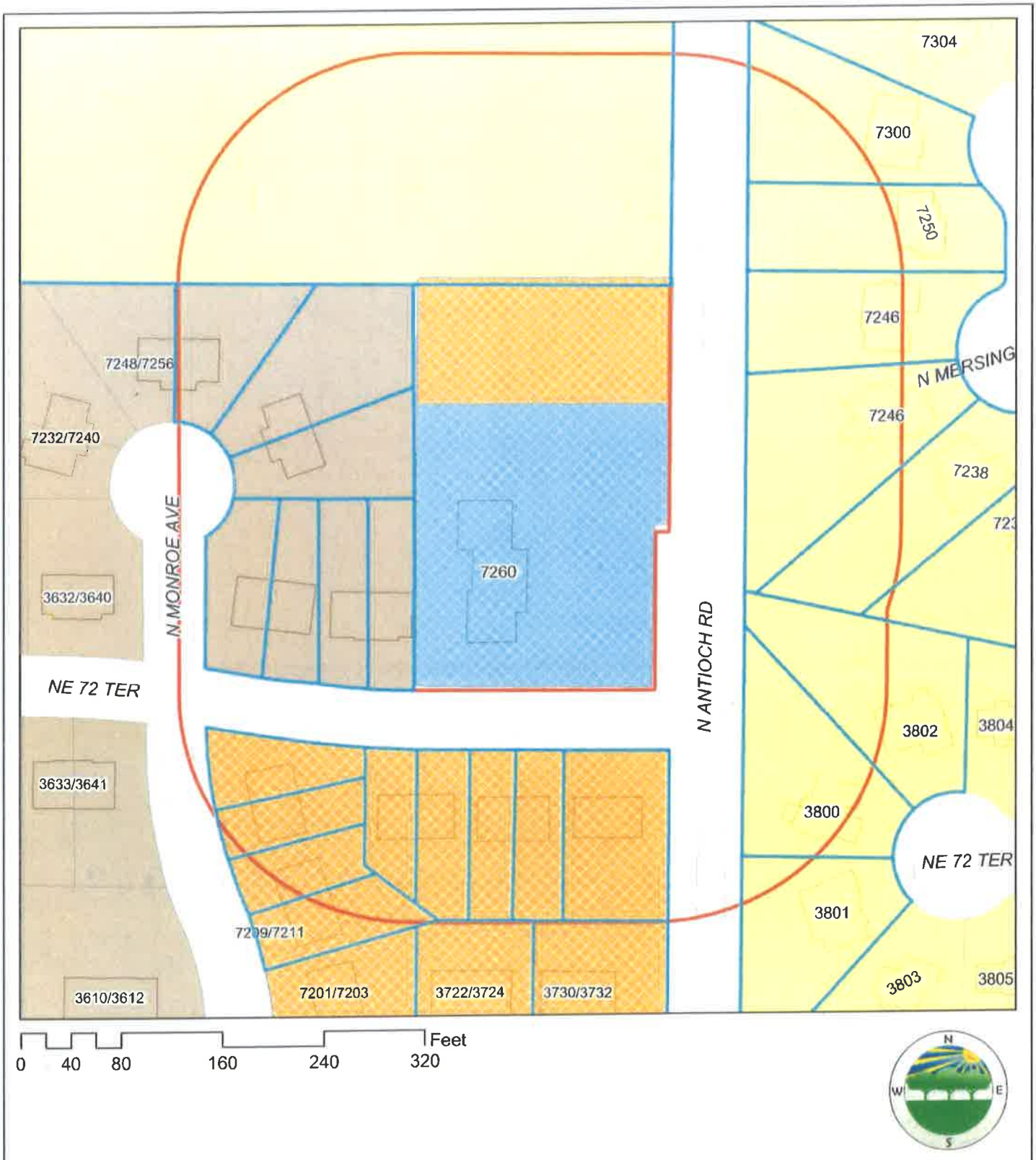
Analysis

The original special use permit at this location was issued in 2000 for five years. The special use permit was renewed in 2005 for a period of 10 years.

Since its inception there have been no recorded complaints concerning this facility.

Recommendation

The Staff recommends that the request be **approved for a period of 10 years** contingent upon compliance with the recommended conditions.



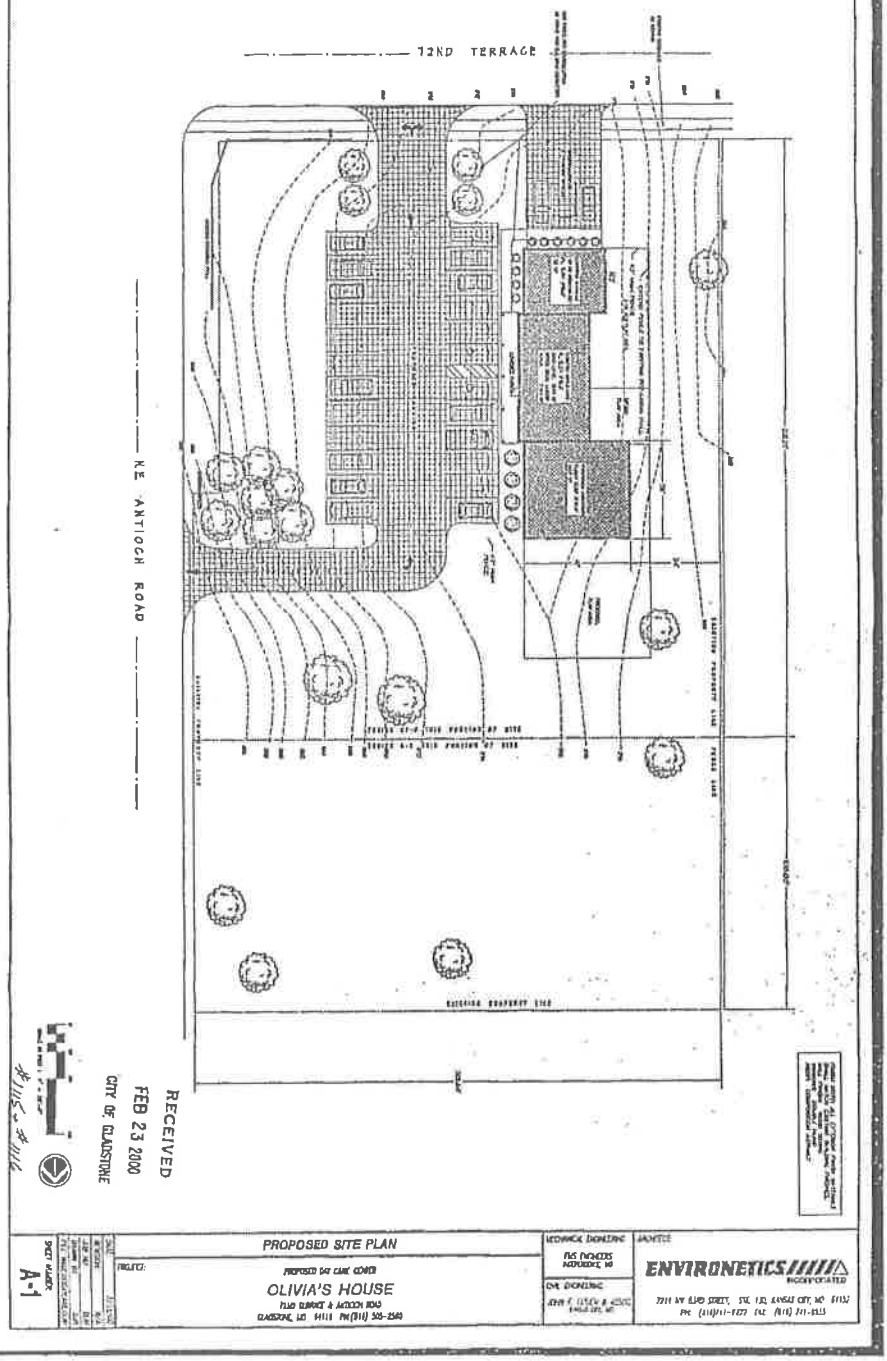
7260 N Antioch

Caroline's House

September 2015

CITY OF GLADSTONE

COMMUNITY DEVELOPMENT DEPT.
7010 N. Holmes, Gladstone, MO 64118
Telephone: (816) 436-2200


72ND TERRACE
NE ANTIOCH ROAD
RECEIVED
FEB 23 2000
CITY OF GLADSTONE
PROPOSED SITE PLAN
OLIVIA'S HOUSE
ENVIRONETICS

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
September 21, 2015
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. McGee
Mr. New
Ms. Poindexter
Mr. Ringhausen
Mr. Yarber
Mr. Whitton
Chairman Turnage

Absent: Ms. Alexander
Mr. Markenson
Mr. Steffens
Ms. Van Duser
Mr. Ward

Council & Staff Present:
Mayor Pro-Tem Jean Moore
Councilmember R.D. Mallams
Scott Wingerson, Assistant City Manager
Melinda Mehaffy, Econ. Dev. Admin.

Item 2 on the Agenda: Pledge of Allegiance.

Chairman Turnage led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the August 17, 2015 minutes.

MOTION: By Mr. Ringhausen, second by Ms. McGee to approve the August 17, 2015 minutes as presented. All said aye. The motion carried.

Item 4 on the Agenda: PUBLIC HEARING on a request for a Special Use Permit (renewal) at 7260 NE Antioch. Applicant: Los Ninos II, Inc. Owner: KPJ, II. File #1418.

Chairman Turnage opened the public hearing and called on staff for their report.

Mr. Wingerson reported that the applicant's request is to renew an existing special use permit for a period of 10 years. The business is Caroline's House Daycare located at NE 72nd Terrace and Antioch Road near Happy Rock Park. The daycare has been there since 2000; the special use

permit has been renewed couple of times during that term. Staff has no concerns or objections nor have received any complaints since 2000 about the operation of the facility. Staff is recommending approval for a period of 10 years. Mr. Wingerson made note of a couple of conditions in the proposed ordinance that will be considered by the City Council: the operation is limited to 73 children and the hours of operation are 6:30 am to 6:30 pm. He believes the applicant is okay with both of those proposed conditions.

Chairman Turnage asked for questions for staff. Hearing none, he called for the applicant to come forward.

Kelly Tobin, representing KPJ II, LLC, 6440 NW Monticello Drive, Parkville, MO addressed the Commission. He said the preschool has been going good for the last several years and urged them to renew their permit this evening. They'd like to continue on.

Mr. Ringhausen asked if 6:30 am to 6:30 pm are the hours that children will be there.

Mr. Tobin answered yes. Those are the hours that they are licensed for by the State. Children are not there before or after those times.

Chairman Turnage asked what the current number of children is.

Mr. Tobin said there are currently 57, but it is licensed for 64.

Mr. Wingerson added that over the years it's been up and down so the ordinance had it at 73 with room to grow and shrink as necessary.

Ms. Poindexter asked what kind of challenges Caroline's House has had over the last 10 years.

Mr. Tobin explained that Caroline's House was started by his sister, Kathy Kruse who passed away in 2006. The challenge for him was learning how to run a preschool along with two others. Jan Krug who is the current advocate of Caroline's House has taken it over. From a neighborhood standpoint they haven't really had any challenges. From an operational standpoint, they see the student population go up and down. A lot of it depends on the person that's actually running the daycare on a day-to-day basis as opposed to location.

Mr. Yarber asked what the ages of the children are.

Mr. Tobin said they are newborn to Kindergarten.

Mr. Yarber asked how many instructors there are.

Mr. Tobin said that infants are licensed for a ratio of 1 teacher to 4 students; he thinks the ratio goes up to 8:1 with the older students, but don't hold him to it.

Mr. New asked if they have ever had to turn students away.

Mr. Tobin said they have been full in the past and had to turn parents away. There have also been a few other instances like non-payment where they have had to ask families to leave.

There was no one in opposition or favor of the application. Chairman Turnage closed the public hearing.

MOTION: By Ms. Poindexter, second by Mr. Yarber to approve a Special Use Permit for Caroline's House at 7260 NE Antioch for a period of 10 years.

VOTE:	**Ms. McGee**	**Yes**
	Mr. New	**Yes**
	Ms. Poindexter	**Yes**
	Mr. Ringhausen	**Yes**
	Mr. Yarber	**Yes**
	Mr. Whitton	**Yes**
	Chairman Turnage	**Yes**

(7-Yes, 0-No) The motion carried.

Item 5 on the Agenda: Communications from the City Council and the City Staff.

Mayor Pro-tem Jean Moore distributed Gladstone coffee mugs to the Commission as a thank you for their service.

Item 6 on the Agenda: Communications from the Planning Commission Members.

Mr. Wingerson said it is likely there will not be an October 5th Planning Commission meeting; however, there may be two applications scheduled for October 19th.

Mr. New asked what was going on with the McDonalds on Antioch Road.

Mr. Wingerson answered that corporate McDonalds decided to stop all changes to existing stores until they figure out what their new model was going to look like. They also acquired a new CEO. All of those things halted development across the U.S. He did speak with the owner of the store a couple of months ago and they were starting to have conversations about moving forward.

Chairman Turnage asked about an update on the Heights.

Mr. Wingerson said that the last he was told, 72% of the units had been leased. The developer is very pleased with the progress. They may remember that the developer had anticipated 18 months to lease the entire building; now at 9 months they're at 72%.

Mr. Ringhausen said that as he drove around the downtown area this evening prior to the meeting that he saw someone jogging through Linden Square, a family walking their dog and people sitting outside at Snow & Co. To the credit of the City, he thought the mixed-use approach seems to be gaining some traction.

Item 7 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 7:14 pm.

Respectfully submitted:

_____ Approved as submitted _____
Bill Turnage, Chairman

_____ Approved as corrected _____
Becky Jarrett, Recording Secretary