

Memorandum #08-09

To: Al Viereck, Interim City Manager
From: Dave Mingo, AICP Community Development Director
Subject: Planning Commission Action Number 07-064 / Resolution #08-01
Date: January 10, 2008

CONDITIONAL USE REQUEST

ACTION NUMBER: 07-064

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Brandy Kay Beringer, applicant.

ADDRESS / LOCATION: 600 E. 11th Street.

PROPERTY DESCRIPTION: Lots 7 and 8, Block 10, Taylor and Sargents Addition to the City of Yankton.

ZONING DISTRICT: R-3 Two-Family.

PREVIOUS ACTION: None

COMMENTS: The applicant is requesting a Conditional Use Permit for a daycare facility at the site. The site does not have the required fence. The applicant has requested a weather / seasonal related waiver of the fencing requirement until May 1, 2007. The city has granted this type of waiver in previous instances. Staff has not been contacted by any adjoining property owners subsequent to publication and mailing of the legal notice.

The staff recommends approval of the request including a waiver of the fencing requirement until May 1, 2007.

HEARING SCHEDULE:

November 13, 2007: The Planning Commission established December 10, 2007 as the date for a public hearing on the proposed request.

December 10, 2007: Planning Commission conducts hearing and makes a recommendation to the City Commission.

January 14, 2008: City Commission considers resolution and makes a final decision.

Planning Commission results: The Planning Commission recommended approval of the permit request with a waiver of the fencing requirement until May 1, 2008.

RESOLUTION #08-01
Conditional Use

WHEREAS, Brandy Beringer is the owner of Lots 7 and 8, Block 10, Taylor and Sargents Addition to the City of Yankton, South Dakota located at 600 E. 11th Street, and

WHEREAS, the above described property is zoned R-3 Two-Family residential which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this conditional use request is necessary for the property to be used as a daycare facility and such proposed use has been reviewed and recommended for approval by a vote of the City Planning Commission including a seasonal waiver of the fencing requirement until May 1, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a conditional use permit for a daycare facility in accordance with all applicable ordinances and regulations on the above described property.

Adopted:

C.N. Gross, Mayor

ATTEST:

Al Viereck, Finance Officer

City of Yankton
City Planning Commission
Yankton, SD 57078

Re: Conditional Use Permit

Dear Commission Members:

This letter, pursuant to the City of Yankton's Zoning Ordinance, is an application hereby made for a Conditional Use Permit for the property herein described.

Description of Conditional Use Permit desired: daycare facility
in a residential district.

The address of the property is: 600 E. 11th Street

Lot Number: 7+8 **Block Number:** 10
Addition: Taylor + Sargents Addition
Zoning District: R-3, Two Family

Check One

- of which I own, or
 of which I rent / lease (application must include consent document from the owner).

I/We have included a set of drawings or site plan, to scale, showing all conditions as to lot dimensions, building dimensions (proposed and existing), proposed uses of buildings (proposed, existing and future), location of off street parking, dimensions and number of spaces, the location of landscaping and/or screening that is proposed, and any easements that might exist or are proposed if necessary.

I/We have included a receipt for Fifty dollars (\$50.00), from the City Finance Department for processing this request.

I hereby depose and say that all the above statements and statements contained in this application and related attachments are true.

Thank you for your consideration,

Dated this 24 day of October, 2007

Brandy Kay Beringer
printed / typed name and title if applicable

Brandy Kay Beringer
signature

600 E 11th St
Yankton SD 57078
address

Per Phone conversation
on 12-06-07 requested
Fence waiver to 5-1-08

City Receipt Account Number 101.3231