

Memorandum #10-131

To: Doug Russell, City Manager
From: Dave Mingo, AICP Community Development Director
Subject: Planning Commission Action Number 10-30 / Resolution #10-26
Date: July 19, 2010



CONDITIONAL USE REQUEST

ACTION NUMBER: 10-30

E.T.J. MEMBER ACTION REQUIRED: No

APPLICANT / OWNER: Shawn Radack, owner.

ADDRESS / LOCATION: 802 W. 8th Street.

PROPERTY DESCRIPTION: W. 61' of the E. 111' of the S. 180' of Outlot 46 of Auditor's Outlots in the City of Yankton, South Dakota.

ZONING DISTRICT: R-2 Single Family.

PREVIOUS ACTION: None

COMMENTS: The applicant is requesting a Conditional Use Permit for a home based daycare facility. It is staff's position that the site meets all area and fencing requirements. Because of the layout of the site, there is a gap in the fence that allows the applicant access to their back yard. The configuration of the garage stalls does not allow for access directly from the home to the yard as would typically be the case. The adjoining neighbor (to the east) has fencing on that side of their yard so in our opinion, the potential for problems are not greater under these circumstances.

We have not received any comments from the neighbors subsequent to sending out and publishing the required notifications.

The staff recommends approval of the request.

HEARING SCHEDULE:

- | | |
|----------------|---|
| June 14, 2010: | The Planning Commission established July 12, 2010 as the date for public hearing on the proposed request. |
| July 12, 2010: | Planning Commission conducts hearing and makes a recommendation to the City Commission. |
| July 26, 2010: | City Commission considers resolution and makes final decision. |

Planning Commission results: The Planning Commission recommended approval of the proposed Conditional Use Permit.

RESOLUTION #10-26

Conditional Use

WHEREAS, Shawn Radack is the owner of the W. 61' of the E. 111' of the S. 180' of Outlot 46 of Auditor's Outlots in the City of Yankton, South Dakota. Address, 802 W. 8th Street, and

WHEREAS, the above described property is zoned R-2 Single 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 has been reviewed and recommended for approval by a vote of the City Planning Commission.

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:

David D. Knoff, 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 residentially zone district.

The address of the property is: 802 W. 8th St.

Lot Number: W. 61' of E. 111' of S. 180' Outlot 46 Block Number: _____

Addition: Auditor's outlots.

Zoning District: R-2 Single Family Residential

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 18 day of May, 2010

Shawn L. Radack
printed / typed name and title if applicable

Shawn L Radack
signature

802 W 8th St
Yankton, SD 57078
address

