

### 3. RESIDENTIAL DAY CARE PERMIT NO. 2009-7 - 8515 Kessler Street

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1. APPLICANT: Liliana Mariaca is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a residential day care permit, for a one-year period of time, to allow a day care home.
3. LOCATION: The subject property is located at 8515 Kessler Street.
4. EXISTING ZONING: This property is currently zoned R-1, Single-Family Residential District.
5. ANALYSIS: The applicant is requesting approval of a residential day care permit, for a one-year period of time, to care for a maximum of 10 children. This is the first request for a residential day care permit for the applicant. The Unified Development Ordinance (UDO) requires that an initial request for a residential day care is limited to one year. The initial renewal request is limited to three years and subsequent renewals are limited to five years.

The UDO identifies three distinct categories of day cares: family day care home, day care home, and group day care home. The difference among the types of day cares is the maximum number of children or persons that are being cared for. Family day cares are limited to six, day care homes are limited to 10, and group day care homes are limited to 12 children.

The applicant has received her final inspection from the fire department and has a license from the State of Kansas to care for a maximum of 10 children. At this time, the required fenced in outdoor play area has not been constructed. The applicant has indicated to staff that early in the spring, a fence will be installed on-site. The applicant has indicated she will have anywhere from 6 to 10 children under her care depending on the time of year.

Staff is unaware of any comments or concerns from neighbors associated with the request for a day care home at this location.

6. STAFF RECOMMENDATION: The staff recommended approval of Residential Day Care Permit No. 2009-7, for a one-year period of time, with no stipulations.
7. PLANNING COMMISSION RECOMMENDATION: The Planning Commission considered this item at a public hearing on February 8, 2010. No one spoke at the public hearing and the Planning Commission voted 11 to 0 to recommend approval, for a one year period of time, with no stipulations.