

STAFF REPORT

August 24, 2000

**UOR #99UR013 - Renewal of a Use On Review to allow a
Child Care Center**

ITEM 2

GENERAL INFORMATION:

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| PETITIONER | Anne M. Devlin |
| REQUEST | UOR #99UR013 - Renewal of a Use On Review to allow a Child Care Center |
| LEGAL DESCRIPTION | Lot M-4, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2 Acres |
| LOCATION | 2406 North Maple |
| EXISTING ZONING | General Commercial |
| SURROUNDING ZONING | |
| North: | General Commercial |
| South: | Shopping Center-2 |
| East: | General Commercial |
| West: | General Commercial |
| PUBLIC UTILITIES | City Water and Sewer |
| REPORT BY | Blaise Emerson |

RECOMMENDATION: Staff recommends that the Renewal of a Use On Review to allow a Child Care Center in the General Commercial Zoning District be approved with the following stipulations:

Fire Department Recommendations:

1. That prior to City Council approval, the facility shall be in compliance with all building and fire codes;

Urban Planning Division Recommendations:

2. That prior to City Council approval, all provision of the Landscape Ordinance shall be met and a Certificate of Occupancy shall be issued for the facility;
3. That the maximum number of total children permitted in the facility when any component of the child care services is in operation shall be 75. Components of the child care services include, by whatever name they are identified, the following: preschool program; child care/day care program; after school care; summer day camp program; drop-in baby sitting services; and over-nighters/lock-ins”;

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4. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code be continually met;
 5. That this Use On Review be approved for a maximum of three years, subject to renewal.

GENERAL COMMENTS: In 1999, the City Council approved a Use On Review for a Review to allow a Child Care Center and to allow a Recreational Fad in the General Commercial Zoning District with the following stipulations:

1. That prior to issuance of a Building Permit, the Knollwood Drainage Basin fees shall be paid;
2. That prior to issuance of a building permit, that the applicant shall submit a site plan which indicates the correct locations of all utility and service lines;
3. That prior to issuance of a Certificate of Occupancy, all building and fire codes must be complied with;
4. That the outdoor fenced play area may not restrict access to the rear portion of the building so that the Fire Department may have access to all points of the building within 150 feet;
5. That the applicant obtain a Building Permit prior to any construction and a Certificate of Occupancy prior to occupancy;
6. That prior to issuance of a Building Permit, the applicant shall submit a landscape plan which fully complies with the requirements of the Landscape Ordinance;
7. That prior to issuance of a Building Permit, the applicant shall submit a parking plan which fully complies with the requirements of the Parking Ordinance;
8. That the maximum number of total children permitted in the facility when any component of the child care services is in operation shall be 75. Components of the child care services include, by whatever name they are identified, the following: preschool program; child care/day care program; after school care; summer day camp program; drop-in baby sitting services; and over-nighters/lock-ins”;
9. That prior to issuance of a Certificate of Occupancy, the applicant shall provide proof of State licensing from the Department of Social Services;
10. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code be continually met;
11. That this Use On Review be approved for a maximum of twelve months, subject to renewal; and,
12. That the Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years.

The Use On Review allowed the relocation of the Fizz Kids business from a site on Knollwood Drive to this lot north of Rushmore Mall. The lot is zoned General Commercial and Child Care Centers are a Use On Review in the General Commercial Zoning District. The building was initially constructed for and operated as fitness center. Subsequently, the building has been used by Sodak Gaming; prior to that it was used by Rushmore Gold Company. The Fizz Kids

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business has three components: a child care center, a recreational fad area, and a retail area.

STAFF REVIEW: Staff has reviewed the Renewal for the Child Care Facility and has noted the following concerns:

Certificate of Occupancy - A Certificate of Occupancy has not been issued for Fizz Kids. There are several outstanding Fire Code issues that need to be resolved. The retail portion of the operation and the exterior landscaping has not obtained final inspection approvals from the Building Inspection Division. A temporary Certificate of Occupancy was issued for the project but expired in August, 1999. The outstanding issues are of a nature that they should be able to be resolved before City Council action.

All other issue relating to the Use On Review appeared to have been addressed. Staff has not received any comments regarding the facility during the review or in the last year. Staff finds the Use On Review in compliance with all regulation except for the outstanding Fire Department and Building Inspection Division issues and recommends that the Use On Review approval be extended contingent on resolution of the outstanding issues.