

STAFF REPORT

October 25, 2001

No. 01UR037 - Use On Review for a Child Care Center

ITEM 34

GENERAL INFORMATION:

PETITIONER	Anne Devlin
REQUEST	No. 01UR037 - Use On Review for a Child Care Center
LEGAL DESCRIPTION	Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .74 acres
LOCATION	1241 E. St. Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review for a Child Care Center be **continued to the November 21, 2001** Planning Commission meeting to allow the applicant time to submit additional required information.

GENERAL COMMENTS: **This request was continued from the October 4, 2001 Planning Commission meeting. (Updates to the staff report are shown in bold.)** The applicant has located the Fizz Kids Children's Mall on the subject property and is proposing to provide preschool classes in conjunction with the indoor playground, pizza and snack bar, arcade games and karaoke. The Fizz Kids Children's Mall is located on East Saint Joseph Street approximately 250 feet south of the intersection of East Saint Patrick Street and East Saint Joseph Street.

The property is zoned General Commercial and Child Care Centers are permitted in this district as a Use On Review. The site plan submitted with this request indicates that approximately 350 square feet of the building will be utilized for the preschool classroom and 812 square feet of indoor active play area will be provided. Though not shown on the submitted site plan, the applicant has indicated that a fenced area behind the building will serve as an outdoor play area.

STAFF REVIEW: Staff has reviewed this request with respect to the five criteria established

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for Child Care Centers:

1. *Proximity to major arterials* – The subject property is located on East Saint Joseph Street and in close proximity to East Saint Patrick Street. These streets are classified as principal arterials on the Major Street Plan.
2. *Proximity to recreational facilities* – The subject property is not located in close proximity to any parks or other recreational facilities; however, the proposed day care center will be in the same building as a recreational facility. In addition, the applicant has indicated that a fenced outdoor play area will be provided. The site plans submitted do not identify the size of the outdoor play area or the height and design of the fence surrounding the outdoor play area. Staff is requesting that the applicant submit this information.
3. *Traffic generated by said center* - Staff anticipates that Saint Joseph Street is designed to adequately handle the existing traffic as well as the traffic projected to result from the Child Care Center.
4. *Hours of operation of said center* – The applicant has not provided any information regarding the hours of operation of the recreational facility or the proposed Day Care Center. The applicant has indicated that the hours of the preschool will be Monday through Friday from 9:00 a.m. to 11:30 a.m. and that the hours of Fizz Kids Recreational Facility will be Tuesday through Thursday 3:00 p.m. to 8:00 p.m., Friday 3:00 to 10:00 p.m. and Saturday 10:00 a.m. to Midnight. The Fizz Kids Recreational Facility will not be open to the public during the preschool hours.
5. *Maximum number of children as appropriate to the area* – The method of determining the maximum number of children appropriate or permitted is calculated on the ratio of children to play area. Consideration must be given to the fact that the child care center will be operated in tandem with the commercial operation. Children in the child care program will be playing in the “playscape” area while the facility is open to public use, on a fee basis. The applicant has indicated that the Fizz Kids Recreational Facility will not be open to the public during the preschool hours. There is a total of 812 square feet of indoor active play area identified as “playscape” on the building plans and an additional 350 square feet of space identified as classroom area. The applicant has not provided the square footage of the fenced outdoor play area. The Rapid City Ordinance states that an indoor play area must be provided at a ratio of thirty five square feet per child and an outdoor play area at a ratio of fifty square feet per child. Based on these ratios and the amount of indoor space identified, the proposed facility meets the ratio requirements of the ordinance for 33 children. However, staff is unable to calculate the maximum number of children allowed based on outdoor play area until the applicant provides the square footage of fenced outdoor play area. The site plan submitted by the applicant identifies an outdoor play area of 3,912 square feet. Based on the requirement of fifty square feet per child the outdoor play area will accommodate 78 children.

Staff has also reviewed this request with respect to the criteria established in Section 17.54.030 and noted the following concerns:

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Detailed floor plan: The Building Inspection Department, as well as the Fire Department, have reviewed the floor plans submitted with this request and have noted that the level of detail provided on the floor plan is not of sufficient detail to complete their review of the proposed Day Care Center. **To date this information has not been submitted.**

Drainage concerns: The Engineering Division has recommended that the applicant provide a storm water site evaluation to verify that the on-site storm water facilities are adequate to handle all on-site storm water runoff. **To date this information has not been submitted.**

Sidewalks: Sidewalks have been constructed along the East Saint Francis Street frontage. However, no sidewalks currently exist along the East Saint Joseph Street frontage. The Engineering Division is recommending that prior to issuance of a Building Permit plans be submitted showing curbside sidewalks along the East Saint Joseph Street frontage of the property and that prior to issuance of a Certificate of Occupancy the sidewalks be installed.

The Engineering Division is concerned that sidewalks are necessary for pedestrian safety and convenience along both East Saint Francis Street and East Saint Joseph Street. However, installation of sidewalks at this time would require the removal of landscaping installed by the property owner approximately 10 years ago that is still in good condition. In addition, there does not appear to be any evidence of regular pedestrian traffic in the area as exhibited by worn paths or other deterioration. Therefore, the Engineering Division does not believe that sidewalk installation is necessary in conjunction with this Use on Review. However, conditions will be reviewed upon issuance of future permits or other development on this property and sidewalk installation may be required at that time based on either the type of development proposed or a need due to other conditions in the vicinity.

As of this writing, the receipts from the certified mailing have been returned by the applicant. A sign has been posted on the property stating that a Use on Review has been requested.