

STAFF REPORT

October 25, 2001

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**No. 1641 - Renewal of Use On Review to allow a Child Care Center**

**ITEM 37**

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GENERAL INFORMATION:

PETITIONER	Dennis and Loretta Eisenbraun
REQUEST	<b>No. 1641 - Renewal of Use On Review to allow a Child Care Center</b>
LEGAL DESCRIPTION	Lot 5-6, Block 10, Nowlin & Wood Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .13 acres
LOCATION	225 East Nowlin Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

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

Building Inspection Department Recommendations:

1. That all requirements of the 1994 Uniform Building Code for an E-3 occupancy shall be continually met;

Fire Department Recommendations:

2. That all requirements of the Local and State Child Care regulations shall be continually met;

Urban Planning Division Recommendations:

3. The maximum number of children permitted in the facility shall be 20;
4. That Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;
5. That the hours of the Day Care Center shall be 6:00 a.m. to 8:00 p.m.;
6. A maximum thirty-two square feet of sign face shall be allowed. Lighting of the signage shall be only by indirect illumination;
7. That the Use on Review be subject to renewal on a complaint basis; and,
8. That the Use On Review approval shall expire if the use as approved has ceased for a

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period of two years.

GENERAL COMMENTS: In 1997 the City Council approved a Use On Review to allow a Child Care Center on the subject property with eight stipulations. In addition, on November 4, 1997, the Zoning Board of Adjustment granted a variance to allow off-street parking to back into the alley right-of-way and a variance to allow a 23 foot front yard setback. The Board denied the applicant's request to waive the requirement to pave the alley and to pave off-street parking.

One of the stipulations of the original Use On Review approval required that the Use On Review be renewed after one year. In 1998, the City Council approved the renewal of the Use On Review with four stipulations, including the requirement that the applicant renew the Use On Review in three years.

On September 6, 2000, staff received a verbal complaint from a neighboring property owner regarding dust, noise and lack of maintenance of the Child Care Center located on the subject property. A site investigation indicated that the facility and grounds were maintained and that the required paving for parking and circulation has been completed. Staff requested a written list of specific complaints to determine if a formal review of the Use On Review was warranted. To date staff has not received any written complaints regarding the Child Care facility.

The applicant has indicated that the hours of operation are from 6:00 A.M. to 6:00 P.M., Monday through Friday. That the structure is being used exclusively for a Child Care Center and that no more than twenty children are cared for at the facility.

STAFF REVIEW: Staff has reviewed this request and finds it in compliance with all applicable regulations. The applicant has paved the alley and provided paved parking as required in the original Use On Review. The applicant has received a Certificate of Occupancy from the Building Inspection Division for all required interior changes to operate a Child Care Center. The yard has been fenced to provide an outdoor play area. Staff is recommending that the Use On Review be approved on a permanent basis subject to review on a complaint basis.

The Use On Review sign has been posted on the property. Staff has not received any calls regarding this request.