

STAFF REPORT

July 5, 2001

No. 01UR029 - Use on Review to allow a day care center in the Low Density Residential Zoning District **ITEM 24**

GENERAL INFORMATION:

PETITIONER	Steve and Trisha Nolan
REQUEST	No. 01UR029 - Use on Review to allow a day care center in the Low Density Residential Zoning District
LEGAL DESCRIPTION	Lot 23 of the NE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .64 Acres
LOCATION	4605 Easy Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District (PD)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Well and City sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use on Review to allow a day care center in the Low Density Residential Zoning District be **approved with the following stipulations:**

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a complete site, water hook-up, grading and drainage plan for the subject property and the required Easy Street improvements shall be submitted for review and approval;
2. Prior to issuance of a Certificate of Occupancy, that portion of the fence along Corral Drive within the Corral Drive/Easy Street sight triangle shall be removed;
3. Prior to issuance of a Certificate of Occupancy, the approach on Corral Drive shall be removed and replaced with curb and gutter;
4. Prior to issuance of a Certificate of Occupancy, the structure shall be connected to the City water system;
5. Prior to Certificate of Occupancy, the required site and Easy Street improvements shall be completed or surety posted in the amount necessary to complete the improvements;

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Building Inspection Department Recommendations:

- 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

Fire Department Recommendations:

- 7. Prior to City Council approval, a revised site plan shall be submitted identifying the location of fire hydrants within 500 feet of the subject property;**
- 8. That fire access shall be continually maintained;**

Urban Planning Division Recommendations:

- 9. That all provisions of Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met;**
- 10. That a State of South Dakota Department of Social Services Day Care License shall be continually maintained;**
- 11. Prior to City Council approval, a revised parking plan shall be submitted identifying compliance with all requirements of the Off-Street Parking Ordinance;**
- 12. The maximum number of children to be cared for at this facility shall be fifty unless a lesser number is set by the State of South Dakota, then the State identified number shall be the maximum number of children allowed;**
- 13. That the Use On Review Shall be subject to renewal in one (1) year; and,**
- 14. That the Use On Review shall expire if the use has ceased for a period of two years.**

GENERAL COMMENTS: **This staff report has been revised. Revised and new text is shown in bold print.** The applicant is proposing to locate a Child Care Center within an existing residential structure located at the intersection of Corral Drive and Easy Street. The subject property currently has three driveways, one on Corral Drive and two on Easy Street. The driveways as well as Easy Street are not currently paved; however the site plan submitted indicates that the applicant intends to pave the driveways as well as a parking area on the north side of the property. The site plan also shows the addition of a six foot privacy fence surrounding the outdoor play area and landscaping to provide a buffer between the outdoor play area and the neighboring property to the south.

The property is zoned Low Density Residential Zoning District and Child Care Centers are permitted in this district as a Use On Review. The applicant is proposing to provide day care for a maximum of 50 children between the hours of 6:30 a.m. and 6:00 p.m. The applicant has indicated that she is familiar with the applicable City and States Codes and is in the process of applying for a State Department of Social Services license for the Child Care facility.

STAFF REVIEW: Staff has reviewed this request with respect to the five criteria established for Child Care Centers:

- 1. *Proximity to major arterials*** – The subject property is located at the intersection of Easy Street and Corral Drive. Corral Drive is classified as a minor arterial street on the Rapid City

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Major Street Plan. The intersection of Corral Drive and Sheridan Lake Road is approximately 1,100 feet east of the subject property. Sheridan Lake Road is classified as a principal arterial.

2. *Proximity to recreational facilities* - The subject property has approximately 27,878 square feet of lot area. The site plans submitted with this request indicates that a six foot privacy fence will be constructed to surround an 8,000 square foot outdoor play area.
3. *Traffic generated by said center* - Staff has some concerns with the additional traffic this use will bring to the area. The property is located in close proximity to Corral Drive Elementary School where vehicular traffic as well as foot traffic is already significant. In addition, the three existing driveways that provide access to the property may cause congestion problems on Corral Drive and Easy Street. However, the applicant is currently operating a day care in her residence and has indicated that drop off and pick up times vary. Typically only 1 to 2 parents are dropping children off or picking children up at a time.
4. *Hours of operation of said center* – The applicant has indicated that the hours of operation for the day care are between 6:30 a.m. and 6:00 p.m. Monday through Friday.
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.

There is a total of 2,100 square feet of active indoor play area identified on the building plans and 8,000 square feet of 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 and outdoor space the proposed facility meets the ratio requirements of the ordinance for 50 children as requested by the applicant.

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

Engineering concerns: The Engineering Division has identified that a portion of the existing fence along Corral Drive must be removed to meet the sight triangle requirements for the intersection of Corral Drive and Easy Street and that a grading and drainage plan will be required prior to the paving of the proposed parking area and driveways. As mentioned previously, the three access locations to the property may create congestion on Corral Drive and Easy Street. Staff is working with the applicant to address the circulation and access issues. **The Engineering Division and applicant have agreed that the removal of the Corral Drive approach will alleviate many of the Engineering Division's concerns with congestion and safety and the remaining two approaches on Easy Street will provide adequate access for the property. Therefore, staff is recommending that the approach on Corral Drive be removed and replaced with curb and gutter prior to occupancy of the Day Care Center.**

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The property currently obtains water from a well that serves seven homes. A neighboring property owner has expressed concern that the well will be unable to accommodate the increase water demand created by the proposed day care facility. The applicant has indicated to staff that prior to utilizing the residence as a Day Care Center that the connection to the Rapid City water system will be complete.

Licensing: The applicant has indicated that she is in the process of applying for a State Department of Social Services license for the Child Care facility. Staff recommends that proof of this license must be submitted prior to issuance of a Certificate of Occupancy for the facility.

As of this writing the, 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. **Staff has received two inquiries concerning this request. Both callers expressed concern that the proposed day care would take access from an unimproved road and utilize the well that serves the subdivision.**