

STAFF REPORT

May 22, 2003

No. 03UR004 - Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility **ITEM 24**

GENERAL INFORMATION:

PETITIONER	South Canyon Lutheran Church
REQUEST	No. 03UR004 - Major Amendment to a Conditional Use Permit to allow the expansion of a childcare facility
EXISTING LEGAL DESCRIPTION	Lots 1 thru 7 and the N1/2 of vacated West South Street adjacent to Lot 1, Block 10, Brookside #3 Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.58 acres
LOCATION	700 44th Street
EXISTING ZONING	Low Density Residential Zoning District
SURROUNDING ZONING	
North:	Low Density Residential Zoning District
South:	Public Zoning District
East:	Low Density Residential Zoning District
West:	Low Density Residential Zoning District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	03/25/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow the expansion of a child care facility be **approved with the following stipulations:**

Engineering Division Recommendations:

1. The applicant shall submit a revised site plan showing a sidewalk walkway located on the west side of the property extending the length of 44th Street as it abuts the subject property prior to Planning Commission approval;

Urban Planning Division Recommendations:

2. The applicant shall submit a revised site plan showing six inch curbs or wheel stops between edge of the existing parking lot and public right of way prior to Planning Commission approval;

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3. **The applicant shall complete the installation of the sidewalk and curbing improvements prior to December 1, 2004. Surety shall be posted prior to Planning Commission approval for the amount of construction valid through May 1, 2005; and,**
4. **There shall be no more than 32 children enrolled in the pre-school program at any given time.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the April 24, 2003 Planning Commission meeting to allow City Staff time to review the revised site plan. The applicant is proposing to expand a pre-school at the South Canyon Lutheran Church. The applicant has stated the proposed development will expand the existing pre-school from 16 children to 32 children. The applicant has stated all of these children would be between the ages of three and five. There is currently a four and five year old class that meets Monday, Wednesday, and Friday between 9:15 a.m. and 11:00 a.m. In addition, there is a three year old class that meets at the same time Tuesday and Thursday. The applicant is requesting approval to add an additional five and six year old class to meet from 8:30 a.m. to 11:30 a.m. Monday through Thursday.

The original Conditional Use Permit for the Church was approved with stipulations May 27, 1992 by the City of Rapid City Common Council. There were six stipulations approved with this request at that time. The Conditional Use Permit was approved for the pre-school on April 17, 1995 with five stipulations. These stipulations were:

1. That a fire key entry system shall be installed prior to the opening of the preschool.
2. That the petitioner shall designate 1120 square feet of open, interior play area in lieu of an outdoor play yard;
3. That parking shall be eliminated from the 44th Street right-of-way with the exception of parallel parking along the building with the addition of curb stops along the street and a sidewalk walkway;
4. That Section 17.50.150 of the Rapid City Municipal Code shall be continually met; and
5. That all preschool activities must be on the main level of the building because of fire consideration.

Stipulation five states that all of the activities must be located on the main level due to emergency access reasons; however, the applicant is requesting approval to move all the activities to the basement with this application. The applicant has stated there is 3,800 square feet of indoor play area which exceeds the 2,240 square feet of required indoor play area for 32 children in a day care facility.

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to the Conditional Use Permit and has noted the following issues:

Public Right of Way: The current development is utilizing parking spaces and access ways in the public right of way. Section 17.50.270 G(7a) states, "Every parking area that abuts a public or private sidewalk, public right-of-way, or building entrance or exit shall be provided

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with a wheel guard or curbs not less than six inches in height which shall be securely installed and maintained.” The current development is not in compliance with this ordinance, and stipulation number three states that, “curb stops” will be located between the parcel boundary and the abutting right of way.

On April 28, 2003 staff met with the applicant and reviewed a revised site plan. The revised site plan shows all of the parking removed from the public right of way; in addition, the site plan appears to have removed the need for vehicles to enter the public right of way to access circulation patterns at the site. The parallel parking abutting the building is shown with a portion of the circulation for the parallel parking in the public right of way. Staff recommends that a revised site plan is submitted showing compliance with the City of Rapid City Municipal Codes redesigning the parallel parking at the site, so that no portion of the circulation patterns are located in the public right of way. However, the parking and the circulation routes immediately south of the building appear to be moved onto the site and out of the public right of way.

Pedestrian Corridor: The current development is utilizing a portion of the right of way for vehicle circulation and parking in violation of the original Conditional Use Permit. A revised site plan which clearly delineates a pedestrian corridor by showing a sidewalk constructed to the City of Rapid City Street Design Criteria Manual must be submitted for review and approval prior to Planning Commission approval. In addition, Section 17.50.270 G(2) states, “Circulation. Circulation within a parking area shall be such that a vehicle entering the parking area need not enter a public right-of-way to reach another aisle and that a vehicle need not enter a public right-of-way backwards. This provision shall not apply to off-street parking required for one or two-family dwelling units.” In addition to eliminating the circulation and parking in the public right of way, staff is recommending that a sidewalk be built in compliance with the City of Rapid City Street Design Criteria Manual to comply with stipulation number three of the 1995 approval for a pre-school.

The revised site plan shows an asphalt sidewalk with striping painted onto the sidewalk designating a sidewalk walkway. The applicant has stated that they would revise the site plan to show wheel stops along the public right of way line, adjacent to the sidewalk walkway. The wheel stops between the parking lot and the sidewalk walkway would further delineate the pedestrian walkway along 44th Street. In addition, the applicant has stated they would be willing to post surety for concrete sidewalks to be constructed within the next 2 years due to budgeting time frames for the church. A revised site plan will need to be submitted for review and approval by City Staff.

Due to the fact that curb stops and a sidewalk walkway were stipulated on a previous occasion, and these items have not been completed to date, Staff is recommending that the applicant post surety to ensure that all of the improvements are completed as required.

Staff is recommending that the request be **approved with the stated stipulations**. As of this writing, the receipts from the certified mailings have been returned. The Conditional Use Permit sign has been posted on the property. Staff has received no calls or inquiries

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regarding this request at the time of this writing.