

STAFF REPORT

June 23, 2005

**No. 05UR006 - Conditional Use Permit to allow a Child Care Center
in the General Agriculture Zoning District**

ITEM 32

GENERAL INFORMATION:

PETITIONER	Dave St. Pierre for Steve and Trisha Nolan
REQUEST	No. 05UR006 - Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District
EXISTING LEGAL DESCRIPTION	Lot 2 of Tract 1 of Par Subdivision, Section 23, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.495 acres
LOCATION	6047 Tartan Court
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Pennington County)
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and septic system
DATE OF APPLICATION	4/11/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District be **approved with the following stipulations:**

- 1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Air Quality Permit shall be obtained;**
- 3. The use allowed with the Conditional Use Permit shall be limited to a child care center. Other uses may be allowed as a Major Amendment to the Conditional Use Permit;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 6. The indoor and outdoor play areas shall continually meet the minimum standards for a child care center as per Section 17.50.150 of the Rapid City Municipal Code;**

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7. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;
8. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;
9. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
10. The septic tank and drainfield locations shall be confirmed during construction and relocated if necessary;
11. Prior to occupancy of the structure, Tartan Court shall be paved to City minimum construction standards or a variance through the SDCL 11-6-19 Review process shall be granted;
12. The proposed structure shall be fully fire sprinkled and fire alarmed as per the International Fire Code;
13. All applicable provisions of the International Fire Code shall be continually met; and,
16. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: (June 15, 2005 Update) This item was continued at the June 9, 2005 Planning Commission meeting to allow the applicant time to make the necessary changes to the site plan and submit the additional required information.

(This Staff Report was revised on June 1, 2005. All revised and/or added text is shown in bold text.) This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to make the necessary changes to the site plan and submit the additional required information.

The subject property is located at the southwest corner of Catron Boulevard and Tartan Court. There is an existing 5,200 square foot one story structure located on the subject property. The applicant is requesting approval of a Conditional Use Permit to allow the use of the structure as a child care center.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of any construction and that a Certificate of Occupancy must be obtained prior to occupying the building.

Staff noted that the previous use of the existing structure was a church. The change in use of the structure will require that the existing structure and the subject property be brought into compliance with all current regulations. As previously indicated, the existing structure is 5,200 total square feet in size. Staff noted that the International Building Code requires that building plans stamped by a professional architect be provided for all day care structures

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greater than 4,500 square feet in size. As such, staff is recommending that this item be continued to the June 9, 2005 Planning Commission meeting to allow time for the applicant to submit building drawings stamped by a professional architect and to allow time for staff to review those plans.

On May 27, 2005, the applicant submitted building drawings of the existing building stamped by a professional architect.

Staff also noted that the occupancy for the structure is determined by the number of children to be cared for in the facility, the ages of the children cared for and the amount of space within the structure provided for the children. As such, the applicant must provide a detailed floor plan of the structure, a description of how many children will be cared for at the facility and the range of ages of the children cared for at the facility to determine if the building will be classified as an "E" or "I-4" occupancy.

The submitted drawings of the existing building show the areas that the children will be cared for. In addition, the architect that stamped the drawings has identified that the structure should be classified as an "I-4" occupancy. Staff has also noted that the child care center will be classified as an "I-4" occupancy.

Site Plan: Staff noted that the submitted site plan does not show the complete property boundaries or all of the existing structures located on the subject property. Staff is recommending that this item be continued to the June 9, 2005 Planning Commission meeting to allow the applicant to submit a complete site plan. The revised site plan must include a north arrow.

On May 27, 2005, the applicant submitted a revised site plan showing the complete property boundaries and all structures located on the subject property. Staff also noted that the revised site plan included a north arrow.

Parking: The applicant has indicated that the number of children cared for at the facility will be limited to the number of children the State of South Dakota permits them to have. The applicant must provide staff with the maximum number of children to be cared for and the number of full-time staff to accurately determine the required number of parking stalls, play areas and to evaluate the traffic impacts.

On May 27, 2005, the applicant provided information stating that a maximum of 85 children will be cared for at the child care center with 14 employees or staff. Based on this information, 23 off-street parking stalls will be required for the child care center. The applicant's revised site plan shows that 25 off-street parking stalls will be provided with two handicapped stalls with one of those stalls being van accessible. The revised parking plan is in compliance with all applicable provisions of the Zoning Regulations.

Play Area: Section 17.50.150 of the Rapid City Municipal Code requires that a minimum of 35 square feet of play space be provided per child cared for. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and

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kitchens. No more than half of the space occupied by cribs shall be used in determining total square feet of play space. Also, a fenced-in area of not less than 50 square feet per child shall be provided. As such, the applicant must submit the maximum number of children to be cared for to determine the required square footage of indoor and outdoor play area to be provided.

The submitted floor plan shows that approximately 3,000 square feet of indoor play space will be provided for the child care center which exceeds the 2,975 square feet required for the 85 children to be cared for. The revised site plan shows that 4,272 square feet of outdoor play area will be provided for the child care center which exceeds the 4,250 square feet required for the 85 children to be cared for. The indoor and outdoor play areas meet the minimum standards for a child care center as per Section 17.50.150 of the Rapid City Municipal Code.

Hours of Operation: Staff noted that the applicant has not indicated the hours of operation for the proposed child care facility. As such, the applicant must provide the hours of operation to allow an evaluation of the affects on the surrounding property owners.

The applicant has indicated that the hours of operation will be from 6:00 AM to 6:00 PM.

Signage and Lighting: The applicant has not submitted any information regarding the proposed signage for the subject property. As such, a detailed sign package showing the location and size of all proposed signs on site must be submitted for review and approval. The applicant must also submit a lighting plan showing the location of all exterior lighting to allow a review of the affect of exterior lighting on adjacent properties and on vehicles traveling along Catron Boulevard or Tartan Court.

On May 27, 2005, the applicant submitted a sign package showing that a four foot wide by six feet high ground sign will be located along Catron Boulevard. The proposed sign is in compliance with requirements of the Rapid City Municipal Code.

Landscaping: The applicant is required to provide 36,920 landscaping points with a minimum of 18,460 points located either in or within 20 feet of the parking lot. The submitted landscaping plan shows 37,500 landscaping points to be provided. However, only 11,916 points are provided within 20 feet of the parking lot. As such, a revised site plan must be submitted showing a minimum of 18,460 landscaping points located within 20 feet of the parking lot.

The applicant has indicated that the landscaping plan is being revised to show a minimum of 40,000 landscaping points. However, as of this writing a revised landscaping plan has not been submitted. As such, staff is recommending that this item be continued to the June 23, 2005 Planning Commission meeting to allow time for the applicant to submit the required information.

On June 15, 2005, the applicant submitted a revised landscaping plan showing compliance with all provisions of the Landscaping Ordinance.

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Grading and Drainage: Staff noted that no grading or drainage plan was submitted with the application. A grading and drainage plan must be submitted showing site contours, flow lines, erosion control, spot elevations for the handicapped parking area and how drainage from the parking area will be addressed. Staff also noted that the drainage plan must be designed in accordance with the South Truck Route Drainage Plan and prepared and stamped by a professional engineer as required by the South Dakota Codified Laws.

On May 27, 2005, the applicant submitted a grading plan. The applicant has indicated that a drainage plan is being prepared and will be in compliance with the South Truck Route Drainage Plan. However, as of this writing no drainage plan has been submitted. As such, staff is recommending that this item be continued to the June 23, 2005 Planning Commission meeting to allow time for the applicant to submit the required information.

On June 15, 2005, the applicant submitted a drainage plan for review and approval.

Utilities: The application indicates that electricity and gas service are provided to the existing structure with water and sewer service provided by a well and septic tank. Staff noted that the submitted site plan does not indicate the location of any existing or proposed utilities on the subject property. As such, staff is recommending that this request be continued to the June 9, 2005 Planning Commission meeting to allow the applicant time to submit a complete site plan showing the location of all existing utilities including the location of the existing well, septic tank and drainfield and any proposed utility service.

The revised site plan does not show the location of the existing well, septic tank or drainfield. As such, staff is recommending that this item be continued to the June 23, 2005 Planning Commission meeting to allow time for the applicant to submit the required information.

On June 15, 2005, the applicant submitted a revised site plan showing the existing water well. The applicant has also indicated that the septic tank and drainfield location will be identified during construction. As such, staff is recommending that the septic tank and drainfield locations must be confirmed during construction and relocated if necessary.

Access: The applicant's site plan shows that the proposed driveway to the subject property will be from Tartan Court. Staff noted that Tartan Court is currently not paved or improved to City street design standards. Section 15.50.270 (G.1.b.) of the Rapid City Municipal Code states that unpaved access to parking facilities is not permitted except for single-family and duplex uses. All access for parking facilities for commercial uses must be constructed to the City minimum construction standards. As such, staff is recommending that this request be continued to the June 9, 2005 Planning Commission meeting to allow time for the applicant to submit a revised drawing and construction plans for the construction of Tartan Court constructed to City street design standards.

On May 27, 2005, the applicant submitted an SDCL 11-6-19 Review application to allow the construction of a public street in the public right-of-way. As such, staff is recommending that

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the Conditional Use Permit be continued to the June 23, 2005 Planning Commission meeting to allow this item to be heard in conjunction with the SDCL 11-6-19 Review.

Staff also noted that the South Dakota Department of Transportation construction plans for Catron Boulevard show that a median will be installed at the location within Catron Boulevard. The applicant should be aware that the installation of the median with the reconstruction of U.S. Highway 16B (Catron Boulevard) will require that the ingress and egress onto Tartan Court be right in and right out only.

Fire Safety: Staff noted that fire hydrants are usually required for the proposed development, however, at this time there is no water located along Catron Boulevard in this area. As such, staff is recommending that the requirement to install fire hydrants be coordinated with the installation of a water main in Catron Boulevard.

Staff noted that the occupancy of the structure will require the structure to be fully fire sprinklered and fire alarmed/detected based on the proposed use of the structure. As previously indicated, there is no water main currently providing service to the property. As such, the fire sprinkler system must be contained within a pressure tank(s) on site.

The submitted drawings for the existing structure indicate that the building will be fully fire sprinklered and alarmed.

Staff noted that access to the structure must accommodate Fire Department apparatus and be in compliance with all applicable provisions of the International Fire Code.

Staff is recommending that the Conditional Use Permit request be **approved with the previously stated stipulations.**