

STAFF REPORT
September 22, 2005

No. 05UR016 – Major Amendment to a Conditional Use Permit for a child care center in the General Agriculture Zoning District **ITEM 44**

GENERAL INFORMATION:

PETITIONER	Ron Bengs with Advanced Engineering for Steve and Trisha Nolan
REQUEST	No. 05UR016 - Major Amendment to a Conditional Use Permit for a child care center in the General Agriculture Zoning District
EXISTING LEGAL DESCRIPTION	Lot 2 of Tract 1, Par Subdivision, in the SE1/4 SE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.49 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	8/25/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit for a child care center in the General Agriculture Zoning District be approved with the following stipulations:

1. Prior to obtaining an Occupancy Permit, a covenant requiring the applicant to hook on to the City water system when it becomes available shall be approved by the City Council;
2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings of August 30, 2005. In addition, the red lined drawings shall be returned to the Growth Management Department;
3. The Child Care Center shall care for no more than 85 children or a Major Amendment to a Conditional Use Permit shall be submitted for review and approval;
4. The signage shall be for one eight foot wide by eight foot high ground sign as shown on the site plan. Any additional signage shall be submitted for review and approval as a Major Amendment;

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5. 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; The Child Care facility hours shall be from 6 a.m. to 6 p.m.;
6. The proposed structure shall conform architecturally to the plans and elevations submitted;
7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
8. 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;
9. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;
10. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;
11. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
12. An Occupancy Permit shall be obtained prior to occupancy;
13. The proposed structure shall be fully fire sprinklered and fire alarmed as per the International Fire Code;
14. All applicable provisions of the International Fire Code shall be continually met; and,
15. 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: The subject property is located at 6047 Tartan Court at the southwest corner of Catron Boulevard and Tartan Court. The subject property is in the process of being converted from a church to a child care center. The subject property is zoned General Agriculture and the properties surrounding the subject property are all zoned General Agriculture District.

On June 23, 2005, a Conditional Use Permit was approved by the Planning Commission to allow a Child Care Center in the General Agriculture District. A SDCL 11-6-19 Review was approved on the same day to allow the construction of a public street on public property. The original Conditional Use Permit (05UR006) was 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;
7. All site lighting shall be directed away from the adjacent rights-of-way and adjacent

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properties;

8. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;

9. Prior to Planning Commission, a revised landscaping plan shall be submitted for review and approval. 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 sprinklered and fire alarmed as per the International Fire Code;

13. All applicable provisions of the International Fire Code shall be continually met; and,

14. 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.

The applicant has submitted proposed plans to make changes to the subject property that are not in compliance with the approved Conditional Use Permit such as a relocated parking lot, larger play area, relocated handicap stall, and a larger ground sign. The applicant has submitted a Major Amendment to the Conditional Use Permit for these changes.

STAFF REVIEW: Staff has reviewed this request for a Major Amendment to a Conditional Use Permit as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

Water System: Adequate water for fire prevention is adequate. However, the Fire Department has requested that when City water is available, the property be hooked to the City system for increased water flows. The applicant is aware of this requirement and has agreed to place a covenant on the property agreeing to the requirement. A covenant is currently being drafted by the City Attorney's staff for the City Council's approval requiring that the applicant hook on to the City water system when it becomes available. Prior to obtaining an Occupancy Permit, this agreement shall be approved and signed by all parties.

Red line comments: Staff has made comments on the submitted site plan regarding grading and contours of the site. Prior to Planning Commission approval, all red line comments shall be addressed and a revised set of site plans shall be submitted showing that all grading and accessibility standards have been met.

Parking: The revised site plan indicates that 25 off-street parking spaces will be provided, including two handicapped accessible stalls. "No Parking" signs need to be installed in the existing gravel area, or the area needs to be landscaped.

Signage: The previously approved Conditional Use Permit allowed a four foot wide by six foot high ground sign to be located along Catron Boulevard. The applicant has proposed to

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increase the size of that sign to an eight foot wide by eight foot high ground sign, in the same location along Catron Boulevard. This proposed sign appears to meet all requirements of the Sign Code.

Parking: The applicant has indicated that 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 indicates 24 parking stalls will be provided. The revised parking plan is in compliance with all applicable provisions of the Zoning Regulations.

Landscaping: The applicant is required to provide 36,920 landscaping points with a minimum of 18,460 points located with 20 feet of the parking lot. The applicant indicated that the landscaping points were revised to show a minimum of 40,000 landscape points. With the relocation of the parking lot, a revised landscaping plan will need to be provided indicating the relocation of landscaping along the parking lot.

Site Plan: The revised site plan dated August 30, 2005, identifies that the play area has been enlarged, the parking lot moved from a location on the west side of the property to the south side of the property, and a handicap parking space with ramps to the top level of the building has been proposed along the east side of the building. These changes meet the requirements of the Municipal Code.

Additional comments: Stipulations of the previously approved Conditional Use Permit shall be continually met. The applicant has indicated that no more than 85 children will be cared for at the subject property and the hours will be from 6 a.m. to 6 p.m. A Major Amendment to a Conditional Use Permit will be required if more than 85 children are served by this child care center.

Notification: As of this writing the required sign has been posted on the property but the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the September 22, 2005 Planning Commission meeting if this requirement has not been met

Staff recommends that the Major Amendment to the Conditional Use Permit be approved with the above stated stipulations.