

STAFF REPORT
November 5, 2009

No. 09UR025 - Conditional Use Permit to allow a child care center

ITEM 43

GENERAL INFORMATION:

APPLICANT/AGENT	Alan Ponto
PROPERTY OWNER	Alan Ponto
REQUEST	No. 09UR025 - Conditional Use Permit to allow a child care center
EXISTING LEGAL DESCRIPTION	Tracts D & E of Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.36 acres
LOCATION	3660 Sturgis Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Mining and Earth Resources Extraction District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/1/2009
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Child Care Center be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a revised site plan reflecting changes to the parking layout to accommodate a 14 foot wide by 40 foot long loading zone and 73 parking stalls, inclusive of three handicapped accessible stalls;
2. Prior to Planning Commission approval, the applicant shall submit dumpster screening elevations along with color palette for the screening fence;
3. Prior to Planning Commission approval, the applicant shall submit a recorded Developmental Lot Agreement;
4. The currently adopted International Fire Code shall be continually met;
5. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be

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consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

6. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. A maximum of 63 children shall be allowed at the child care center;
8. The hours of operation shall be from 6:30 a.m. to 7:00 p.m. for the child care center;
9. A minimum of 35 square feet of play space shall be provided per child as per Section 17.50.150 of the Rapid City Municipal Code;
10. 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;
11. A Building Permit for the change of occupancy and a Certificate of Occupancy shall be obtained prior to occupancy of the Child Care Center; and
12. The Conditional Use Permit to allow a Child Care Center shall expire if the use is not undertaken 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 applicant has submitted a Conditional Use Permit to allow a Child Care Center to be located on the above legally described property. The property is located northeast of the intersection of West Chicago and Sturgis Road. Just Jymnastics is currently located on the property in conjunction with their After School Program. The applicant is proposing to expand the After School Program to a Child Care Center for a before, during and after school care center for up to 63 children between the ages of 3 and 14. There shall be a maximum of seven staff provided and the hours will be from 6:30 a.m. to 7:00 p.m.

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:

Parking: Staff noted that the facility is zoned General Commercial District. Based on the proposed use of the building, 73 parking stalls are required. Additionally, one 14 foot wide by 40 foot long off-street loading/unloading zone is required. There are currently 78 parking stalls on-site, including three handicapped accessible stalls. If minor changes were made to the existing parking lot layout, five stalls located immediately adjacent to the child care center entrance could be incorporated into the required loading/unloading zone, the handicapped accessible stall relocated from the west entrance to the north entrance, the loading and parking requirements could be met. As such, staff is recommending that the applicant submit a revised site plan demonstrating a loading zone for the child care center, the 73 parking stalls inclusive of three handicapped accessible parking stalls.

Dumpster screening: The applicant has proposed to locate the dumpster at the northeast corner of the building, occupying one parking stall. As such, staff is recommending that the applicant provide a screening fence and provide elevations and color palette of the fence to

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ensure the fence is compatible with the existing on-site development.

Developmental Lot Agreement: The applicant's site plan identifies an existing driveway encroaching onto the adjacent lot. As such, staff is recommending that the applicant record a developmental lot agreement to ensure legal access.

Landscaping: A minimum of 188,055 landscaping points are required. There are existing trees and lawn area on the property that provides 271,730 landscaping points. Staff recommends that landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary.

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. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and kitchens. There is 2,233 square feet of play space provided in the building for 63 children. This provides 35.44 square feet of play space per child and exceeds the minimum requirement of Section 17.50.150 of the Rapid City Municipal Code.

Sign Package: Staff noted that a sign package was previously approved for the property and that no additional signage is proposed at this time. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.

Fire Code: The structure shall be fully fire sprinklered and fire alarmed. In addition, all applicable provisions of the current International Fire Code must be continually met.

Notification: As of this writing the required sign has been posted on the property and the receipts from the required notification of surrounding property owners have been returned. There have been no inquiries regarding the proposed Child Care Center.

Staff recommends that the Conditional Use Permit to allow a Child Care Center be approved with the above stated stipulations.