

STAFF REPORT
November 19, 2009

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

ITEM 47

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 for review and approval elevations and color palette of the dumpster screening fence to ensure the fence is compatible with the existing on-site development; and**
- 2. Prior to the issuance of a Certificate of Occupancy for the Child Care Center, the applicant shall designate loading only parking stalls at the Fit-n-Fun entrance, with 10 minute loading restrictions to coincide with the Fit-n-Fun hours of operation.**

GENERAL COMMENTS: **(Update, November 10, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan and elevations of the dumpster screening.**

The applicant has submitted a Conditional Use Permit to allow a Child Care Center to be

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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.

The applicant's site plan identifies seven parking stalls, including one handicapped accessible stall, located at the Fit-n-Fun entrance. Based on the provisions of Section 17.50.150(D) of the Rapid City Municipal Code, it appears that these seven stalls provide appropriate parking and unloading areas for the proposed child care center. In order to address the loading and unloading area for the center, staff is recommending that a sign designating that these stalls are restricted to a 10 minute loading period, with the hours of operation for the center as proposed by the applicant. By providing a restriction on these stalls, the appropriate parking and unloading area is utilized for the child care center when in operation, but also be available for facility parking when the child care center is closed. As such, staff recommends that the applicant designate loading only parking stalls at the Fit-n-Fun entrance, with 10 minute loading restrictions to coincide with the Fit-n-Fun hours of operation.

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 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. **A copy of the recorded developmental lot agreement has been submitted.**

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

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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.

Building Permits: A Building Permit is required for any construction and a Certificate of Occupancy shall be obtained prior to occupancy of the child care center.

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 be approved with the stipulations as identified above.