

## STAFF REPORT

March 4, 2010

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**No. 10UR002 - Major Amendment to a Conditional Use Permit to allow a child care center**

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**ITEM 31**

### GENERAL INFORMATION:

APPLICANT	Generations Care, LLC
AGENT	Mary Sateren, Administrator and Holly Cole, Director of Activities for Fountain Springs Health Care
PROPERTY OWNER	Generations Care, LLC
REQUEST	<b>No. 10UR002 - Major Amendment to a Conditional Use Permit to allow a childcare center</b>
EXISTING LEGAL DESCRIPTION	Tract B (also in Section 27) Wesleyan Christian Center, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.0 acres
LOCATION	2000 Wesleyan Boulevard
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Medium Density Residential District
East:	General Agriculture District
West:	Office Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/1/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

### RECOMMENDATION:

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

1. Prior to Planning Commission approval, a revised landscaping plan shall be submitted for review and approval that clearly demonstrates the development area and identifies the size, number and species of all plantings that are proposed to fulfill landscaping requirements;
2. The currently adopted International Fire Code and Building Code shall be continually met;
3. A minimum of 39 parking spaces, including 2 accessible spaces shall be provided. In

## STAFF REPORT

March 4, 2010

---

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---

- addition, an unloading zone shall be maintained at the entrance to the building as shown on the submitted plans;
4. A minimum of 35 square feet of indoor play space and 50 feet of fenced outdoor play space shall be provided per child as per Section 17.50.150.C of the Rapid City Municipal Code;
  5. The Major Amendment to a Conditional Use Permit shall allow the property to be used as a skilled nursing facility with a child care center. A maximum of 17 children and four staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 5:30am to 3pm, Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code;
  6. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Major Amendment to a Conditional Use Permit, or a subsequent Major Amendment; and,
  7. The Major Amendment to a Conditional Use Permit to allow a child care center in conjunction with a skilled nursing facility shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use has ceased for a period of two years.

**GENERAL COMMENTS:** The applicant has submitted a Major Amendment to a Conditional Use Permit to allow a child care center in conjunction with an existing skilled nursing facility. The proposed child care center will serve the employees of the skilled nursing facility only. The child care center will operate from 5:30am to 3pm, Monday through Friday and will serve a maximum of 17 children and have a maximum of four staff members.

On November 16, 1987, the City Council approved a Use on Review for a home for the aged on this property. On February 20, 2003, the Planning Commission approved a Major Amendment to a Conditional Use Permit to allow a 12,000 square foot addition to the nursing home on the property.

The property is located at the intersection of Wesleyan Blvd and Sunny Springs Drive. As previously noted, the property is currently developed with a skilled nursing facility.

**STAFF REVIEW:** Staff has reviewed the Major Amendment to a Conditional Use Permit to allow a child care center and has noted the following considerations:

**Use:** The applicant is proposing to operate a child care center in conjunction with a skilled nursing facility. The proposed child care center will serve the employees of the skilled nursing facility only, and will serve a maximum of 17 children, ages 0 to kindergarten. The applicant has indicated the proposed child care center will operate from 5:30am to 3pm, Monday through Friday.

The property is zoned Medium Density Residential District. A child care center is a conditional use in the Medium Density Residential District. In addition, Section 17.50.150 of the Rapid City Municipal Code establishes the criteria to operate a child care center.

## STAFF REPORT

March 4, 2010

---

### **No. 10UR002 - Major Amendment to a Conditional Use Permit to allow a child care center** **ITEM 31**

---

Staff recommends that the proposed child care center be operated in compliance with the applicant's operational plan and pursuant to Section 17.50.150 of the Rapid City Municipal Code.

Parking: The existing skilled nursing center and the proposed child care center require a minimum of 39 parking spaces, including 2 accessible spaces. An unloading zone for the child care center must also be identified. The applicant has submitted a site plan identifying 91 parking spaces, including 5 accessible spaces and an unloading zone at the entrance of the building; therefore, the proposal is in compliance with parking regulations. Staff recommends that a minimum of 39 parking spaces, including 2 accessible spaces be maintained on the site. In addition, an unloading zone must be maintained at the entrance to the building as shown on the submitted plans.

Play Area: Section 17.50.150 of the Rapid City Municipal Code requires that a minimum play space of not less than 35 square feet per child must be provided within the structure and that a minimum play space of 50 square feet per child be provided outdoors. All outdoor play space areas must be fenced with a minimum 42 inch high fence. In addition, the fence must be located a minimum distance of 25 feet from any property line that abuts right-of-way or public street.

The applicant has indicated that play space will be provided both within the structure, as well as outdoors. Therefore, 595 square feet of indoor play area and 850 square feet of outdoor play area are required for the center. The applicant has indicated that approximately 600 square feet of indoor play area and approximately 19,000 square feet of outdoor play area will be provided. In addition, one outdoor play area is fenced with a 5 foot tall chain link fence and the second outdoor play area is fenced with a 5.5 foot tall wood fence.

As such, staff recommends that the child care center be operated in compliance with the applicant's submitted plans and pursuant to Section 17.50.150 of the Rapid City Municipal Code.

Fire Code: The Fire Department has inspected the existing facility to insure that it meets Fire Code requirements in order to be used as a child care center. The recent inspection has identified that the existing building is in compliance with the code. Staff recommends that the currently adopted International Fire Code be continually met.

Landscaping: The applicant has submitted a landscaping plan with the application. However, the landscaping plan does not provide information regarding the size, number and species of the plantings. Therefore, staff recommends that prior to Planning Commission approval, a revised landscaping plan be submitted for review and approval that clearly demonstrates the development area and identifies the size, number and species of all plantings that are proposed to fulfill landscaping requirements.

Notification Requirement: As of this writing, the required sign has been posted on the property; however, the receipts from the certified mailing have not been returned to the Growth Management Department. Staff will notify the Planning Commission at the March 4, 2010

STAFF REPORT  
March 4, 2010

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**No. 10UR002 - Major Amendment to a Conditional Use Permit to allow a child care center** **ITEM 31**

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Planning Commission meeting if the notification requirements have not been met. To date, staff has not received any calls regarding the application.

Staff recommends that the Major Amendment to a Conditional Use Permit to allow a child care center be approved with the stipulations as noted above.