

STAFF REPORT
May 6, 2010

No. 10PD019 - Planned Residential Development - Initial and Final Development to allow a child care center **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Jennie Day
AGENT	Henriksen, Inc.
PROPERTY OWNER	Carson Quinn
REQUEST	No. 10PD019 - Planned Residential Development - Initial and Final Development to allow a child care center
EXISTING LEGAL DESCRIPTION	Lots 19 thru 24 of Block 9 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.482 acres
LOCATION	1123 Kansas City Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/26/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Planned Residential Development - Initial and Final Development Plan to allow a child care center **be approved with the following stipulations:**

- 1. Prior to the issuance of a Sign Permit, the applicant shall submit a revised sign package that conforms to the requirements of the Sign Code or obtain a Variance from the Sign Code Board of Appeals to allow one 12 square foot wood ground sign;**
- 2. The Planned Residential Development shall allow the property to be used as a child care center. A maximum of 75 children and eight staff members shall be allowed at the child care center. The hours of operation for the child care center**

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- shall be from 5:30am to 7pm, 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;
3. A minimum of 3,200 square feet of indoor play space and 2,998 square feet of outdoor play space shall be provided on the site as per Section 17.50.150.C of the Rapid City Municipal Code;
 4. The structure shall conform architecturally to the plans and elevations approved with the Planned Residential Development;
 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. A minimum of 17 parking spaces, including one van accessible handicap space shall be provided. In addition, five parent unloading spaces shall be maintained in the parking area as shown on the submitted plans;
 6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 7. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Planned Residential Development, or a subsequent Major Amendment;
 8. The front yard setback is hereby reduced from 25 feet to 20 feet for the existing building on the site. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
 9. The rear yard setback is hereby reduced from 25 feet to 9 feet for the existing building on the site. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
 10. The rear yard setback is hereby reduced from 5 feet to 2 feet for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot rear yard setback be provided;
 11. The side yard setback is hereby reduced from 5 feet to 1 foot for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot side yard setback be provided;
 12. A maximum lot coverage of 35 percent in lieu of 30 percent shall be allowed. Any removal of the structures in whole or part shall require that a maximum of 30 percent lot coverage be maintained;
 13. Prior to issuance of a building permit, the owner must enter into a Developmental Lot Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department;
 14. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 15. All International Fire Codes shall be continually met; and,
 16. The Planned Residential Development 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.

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GENERAL COMMENTS:

(Update, April 28, 2010. All revised and/or added text is shown in bold print.) This item was continued to the May 6, 2010 Planning Commission meeting to allow the applicant to submit a revised drainage report. On April 27, 2010 a revised drainage report was submitted for review and approval.

(Update, April 14, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 22, 2010 Planning Commission meeting to allow the applicant to submit additional information and revised plans. The applicant has submitted a revised site plan, as well as a landscaping plan, fence elevations, a drainage and grading plan, and a revised sign package. However, the drainage and grading plan does not demonstrate that increased flows of stormwater created by the proposed site improvements are being properly accommodated with adequate drainage features. In addition, drainage information was not provided for the proposed improvements at the adjacent alley. As such, staff recommends that the item be continued to allow the applicant to submit revised drainage information.

(Update, March 30, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 8, 2010 Planning Commission meeting to allow the applicant to submit additional information. However, as of this writing, there are still outstanding issues regarding the proposal. As such, staff recommends that this item be continued to the April 22, 2010 Planning Commission meeting.

The applicant has submitted a Planned Residential Development – Initial and Final Development Plan to allow a child care center to be located at 1123 Kansas City Street. The proposed child care center will have a maximum of 90 children, ages 3 months to 10 years old. In addition, the applicant has indicated that a maximum of eight full-time staff members will be employed at the center. The hours of operation will be from 5:30am to 7:00pm, Monday through Friday.

The property is located at the southeast corner of the intersection of Kansas City Street and 12th Street, and is currently developed with a single-story brick building and a single story garage. Both structures were originally constructed in 1952 and are non-contributing structures in the West Boulevard Historic District.

STAFF REVIEW: Staff has reviewed the Planned Residential Development – Initial and Final Development Plan request and noted the following considerations:

Parking: The proposed child care center requires a minimum of 17 parking spaces, including one accessible space. In addition, an unloading zone for the child care center must be provided. The applicant has submitted a site plan that identifies 17 parking spaces, including one accessible space. However, the submitted site plan that shows the proposed parking layout is not to scale; therefore, staff is unable to determine if the parking spaces meet the required dimensions of Section 17.50.270.F.2. Furthermore, an unloading area is not identified on the plan, and the proposed circulation for the parking lot is unclear. As such, staff recommends that the item be continued to allow the applicant to submit a

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scalable parking plan that clearly identifies the dimensions of the proposed parking spaces and aisles, an unloading zone and demonstrates the proposed circulation within the parking area.

(Update: April 14, 2010) The applicant has submitted a site plan that identifies the proposed circulation within the parking area, as well as five designated unloading spaces for the child care center.

(Update: March 30, 2010) The applicant has submitted a scalable parking plan that demonstrates that the proposed parking spaces and aisles meet the required dimensions of Section 17.50.270.F.2. However, the applicant must identify the proposed circulation within the parking area on the plan. In addition, the applicant has designated one parking space as an unloading area. Staff has concerns regarding the provision of only one unloading space for a child care center that will provide care for up to 90 children. As such, staff recommends that this item be continued to allow the applicant to address the unloading issues on the property.

Landscaping: A minimum of 13,593 landscaping points are required. The applicant has not provided a landscaping plan that demonstrates the landscaping materials being proposed to fulfill the required landscaping points. As such, staff recommends that the item be continued to allow the applicant to submit a landscape plan.

(Update: April 14, 2010) On April 9, 2010, the applicant submitted a landscaping plan demonstrating 15,453 landscaping points proposed on the property, exceeding the 13,593 landscaping points required for the property.

(Update: March 30, 2010) To date, the applicant has not submitted a landscaping plan. As such, staff recommends that this item be continued to allow the applicant to submit a landscaping plan.

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 shall be provided within the structure and that a minimum play space of 50 square feet per child be provided outdoors. All outdoor play spaces 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 a public street. If an outdoor space is not provided, a minimum play space of 70 square feet per child must be provided within the structure.

The applicant is proposing 3,200 square feet of indoor play space. In addition, the submitted site plan shows a fenced outdoor play area to the east of the existing building. However, the site plan is not to scale, therefore, staff is unable to calculate the proposed outdoor play area. In addition, the proposed fencing is absent from the submitted elevations. As such, staff recommends that the item be continued to allow the applicant to submit a site plan drawn to scale that identifies the proposed square footage of the outdoor play area and elevations that show the proposed fence. In addition, the applicant must demonstrate compliance with the required play area as per Section 17.50.150 of the Rapid City Municipal

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Code.

(Update: April 28, 2010) The applicant has submitted revised elevations of the proposed fence surrounding the play area. The cedar fence will remain 4 feet tall within the 25 foot front yard setback; however, the remaining length of the fence will be 5 feet tall.

(Update: April 14, 2010) As previously noted, the applicant is proposing a maximum of 90 children at the child care center. They are providing 3,200 square feet of play area within the center and 2,998 square feet of outdoor play area on the site. Based on the indoor and outdoor play area requirements, they are allowed to have a maximum of 75 children on the site.

The applicant has requested an Exception to allow 90 children at the center, exceeding the maximum allowed by City Ordinance. Staff has concerns regarding the limited amount of outdoor play space proposed in relationship to the number of children proposed at the child care center. Therefore, in order to ensure adequate play area at the child care center, as well as the health and safety of the children, staff cannot support the Exception to allow 90 children at the center. As such, staff recommends that a maximum of 75 children be allowed at the child care center per Section 17.50.150 of the Rapid City Municipal Code.

In addition, the applicant has submitted elevations of the proposed 4 foot tall cedar fencing that will surround the designated outdoor play area, meeting the fencing height requirements of Section 17.50.150 of the Rapid City Municipal Code. However, Section 17.50.150 requires that the designated fenced-in play area must not be closer than 25 feet to any property line that abuts the right-of-way of a public street. The proposed fenced-in play area is located within 20 feet of the northern property line, which abuts Kansas City Street. The applicant has requested an Exception to this requirement to allow the fenced-in play area to be 20 feet from the northern property line as opposed to 25 feet. Staff has noted that the proposed fence aligns with the existing building on the site, which is also set back 20 feet from the northern property line. In addition, the area between the back of the curb at Kansas City Street to the proposed fence measures 55 feet, providing a significant safety buffer between the street and the fence. Therefore, staff recommends that the Exception to allow the fenced-in play area within 20 feet of the northern property line be granted.

(Update: March 30, 2010) The applicant has submitted a scalable site plan. The site plan identifies a 2,700 square foot outdoor play area. However, Section 17.50.150 requires play space of not less than 50 square feet per child, which would amount to 4,500 square feet for the proposed 90 children. As such, staff recommends that the applicant revise the proposed plans to comply with the Section 17.50.150 of the Rapid City Municipal Code or request a reduction in the required outdoor play space through the Planned Development procedure. In addition, the applicant has not submitted elevations of the proposed fencing. As such, staff recommends that this item be continued to allow the applicant to address the above issues.

Utilities: The submitted plans do not show the existing utility services to the property. As such,

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staff recommends that this item be continued to allow the applicant to submit plans showing the existing and proposed water and sewer services to the property.

(Update: March 30, 2010) The applicant has submitted plans identifying the existing and proposed utility services to the property. The plans have been reviewed and approved by staff.

Grading and Drainage: A grading and drainage plan was not submitted for the proposed site improvements to the parking area. As such, staff recommends that prior to Planning Commission approval, a grading and drainage plan be submitted for review and approval to ensure that the proposed site improvements will not negatively impact existing drainage on the property or adjacent properties.

(Update: April 28, 2010) A revised drainage plan was submitted that demonstrates that the proposed site improvements will not negatively impact drainage on the property or adjacent properties.

(Update: April 14, 2010) On April 7, 2010, the applicant submitted a grading and drainage plan for the proposed site improvements at the parking area. However, the submitted plan demonstrates that increased flows of stormwater created by the proposed site improvements are not being properly accommodated with adequate drainage features. In addition, drainage information was not provided for the proposed paving at the adjacent alley. As such, staff recommends that this item be continued to allow the applicant to resubmit a grading and drainage plan that demonstrates that increased flows are being properly accommodated on the site and drainage information for the proposed paving at the adjacent alley.

(Update: March 30, 2010) To date, the applicant has not submitted a grading a drainage plan. As such, staff recommends that the item be continued to allow the applicant to submit a grading and drainage plan.

Signage: The applicant has submitted a sign package identifying an awning sign, a 2.5 foot by 6 foot wall sign, and a 2 foot by 4 foot ground sign for the property. However, Section 15.28.220.D of the Rapid City Municipal Code requires that wall signs or ground signs for a commercial use in a residential district are limited to 1 square foot in size. Therefore, staff recommends that prior to Planning Commission approval, the applicant submit a revised sign package that conforms to the requirements of the Sign Code, or obtain a Variance from the Sign Code Board of Appeals.

(Update: April 28, 2010) The proposed sign package was placed on the April 21, 2010 Sign Code Board of Appeals agenda for consideration; however, the item was continued to the May 19, 2010 Sign Code Board of Appeals meeting because the applicant was unable to demonstrate that the proper public notification procedures had been met. As such, staff recommends that prior to the issuance of a Sign Permit, the applicant must submit a revised sign package that conforms to the requirements of the Sign Code or obtain a Variance from the Sign Code Board of Appeals to allow

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one 12 square foot wood ground sign.

(Update: April 14, 2010) The applicant submitted a revised sign package that is limited to one 12 square foot wood ground sign with green text located near the Kansas City Street building entrance. The existing awning sign, wall sign and ground sign located near the parking lot will be removed.

On April 9, 2010, the Historic Sign Board approved the proposed 12 square foot ground sign. The Variance for the proposed sign will be considered at the April 21, 2010 Sign Code Board of Appeals meeting. As such, staff recommends that prior to Planning Commission approval, the applicant must submit a revised sign package that conforms to the requirements of the Sign Code, or obtain a Variance from the Sign Code Board of Appeals to allow one 12 square foot wood ground sign on the property.

(Update: March 30, 2010) The applicant has indicated that they will be seeking a Variance from the Sign Code Board of Appeals to allow a sign greater than 1 square foot in size. In addition, since the property is located in the West Boulevard Historic District, the proposed signage will need to be approved by the Historic Sign Board. As such, staff recommends that prior to Planning Commission approval, the applicant must submit a revised sign package that conforms to the requirements of the Sign Code, or obtain a Variance from the Sign Code Board of Appeals. In addition, the proposed signage must be approved by the Historic Sign Board.

Historic Review: The property is within the West Boulevard Historic District. Since the proposed alterations to the existing building will require a building permit, an Historic Preservation 11.1 Review is required. The applicant submitted an 11.1 Review application on March 11, 2010 and the item is on the Historic Preservation Commission agenda for March 19, 2010. Therefore, staff recommends that the item be continued in order to allow the applicant to obtain approval from the Historic Preservation Commission for the proposed alterations to the existing building.

(Update: March 30, 2010) The proposed changes to the existing building were approved at the March 19, 2010 Historic Preservation Commission meeting.

Use: As previously noted, the applicant is proposing to operate a child care center for a maximum of 90 children, ages 3 months to 10 years old, on the property. The center's hours of operation will be from 5:30am to 7:00pm, Monday through Friday. In addition, the applicant has indicated that the center will employ a maximum of eight full-time staff members.

The site is zoned Medium Density Residential District. A child care center is a conditional use in the Medium Density Residential District. Chapter 17.50.150 of the Rapid City Municipal Code sets forth the factors for consideration in reviewing requests for child care centers. Staff recommends that the child care center operate in compliance with Chapter 17.50.150.

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Setbacks/ Lot Coverage: The existing building and garage on the site are not in compliance with the setback or lot coverage requirements of the Medium Density Residential District. The proposal does not include additional encroachments into the required setbacks on the property, and does not include the expansion of the existing development on the property. However, the applicant is requesting that the existing setbacks and lot coverage be allowed for the existing development on the property.

The applicant is requesting to reduce the setbacks for the existing primary building on the property as follows:

- To reduce the front yard setback from 25 feet to 20 feet.
- To reduce the rear yard setback from 25 feet to 9 feet.

The applicant is also requesting to reduce the setbacks for the existing garage on the property as follows:

- To reduce the rear yard setback from 5 feet to 2 feet.
- To reduce the side yard setback from 5 feet to 1 foot.

Finally, the applicant is requesting to increase the maximum lot coverage from 30 percent to 35 percent for the existing building and garage on the property. Staff has noted that the existing building and garage have been located on the property for 58 years. The adjacent streets, as well as the alleys to the side and rear of the property serve as buffers between the subject property and adjacent properties. As such, staff recommends that the variances to the required setbacks and lot coverage be allowed as requested for the existing building and garage on the property. However, any removal of the building in whole or part will require that all setbacks and lot coverage requirements of the Medium Density Residential District be met.

Developmental Lot Agreement: A portion of the proposed parking lot is located on an adjacent property. Both properties are held in the same ownership. Prior to issuance of a building permit, the owner must enter into a Developmental Lot Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department.

Building Code: The applicant is required to obtain a building permit prior to the start of any construction on the property. In addition, a Certificate of Occupancy must be obtained prior to occupancy of the building. Building Inspection staff has also indicated that all plans must be prepared and stamped by a registered professional. Furthermore, due to the proposed change in use, the property must comply with all building codes, and must be ADA accessible.

Fire Code: The Fire Department has indicated that all International Fire Codes must be met as part of any reuse of the property. Staff is recommending that all International Fire Codes be continually met.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned, nor has the sign been posted on the property. Staff will notify the Planning

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Commission if these requirements have not been met.