

STAFF REPORT
July 22, 2010

No. 10UR017 - Conditional Use Permit to allow a Child Care Center

ITEM 23

GENERAL INFORMATION:

APPLICANT/AGENT	Sara Merkel
PROPERTY OWNER	Isaac Almanza
REQUEST	No. 10UR017 - Conditional Use Permit to allow a Child Care Center
EXISTING LEGAL DESCRIPTION	Lots 1 and 3 of Dakota Subdivision No. 1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.28 acres
LOCATION	2601 Haines Avenue
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/25/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

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

1. Prior to issuance of a Building Permit, the owner shall enter into a Developmental Lot Agreement. In addition, the agreement shall be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department;
2. Prior to issuance of a Building Permit, an Exception to the Street Design Criteria Manual shall be obtained to allow for the three driveway approaches or the third driveway approach shall be closed as per City standards;
3. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. All applicable provisions do the currently adopted International Fire Code shall be

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- continually met. Specifically, the structure shall be protected throughout with an approved fire sprinkler system and fire detection and alarm system;
5. 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;
 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. A minimum of 5 parking spaces, including one van accessible handicap space shall be provided. In addition, two unloading spaces shall be maintained in the parking area as shown on the submitted plans;
 7. A minimum of 1,050 square feet of indoor play space and 1,500 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;
 8. Prior to any future site development including expansion and/or reconstruction of the parking lot on the property, the applicant shall submit grading and drainage plans for review and approval;
 9. The Conditional Use Permit shall allow the property to be used as a child care center. A maximum of 30 children and two staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 7:30 a.m. to 6:00 p.m.;
 10. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. No Light-Emitting-Diode (LED) reader board signs shall be allowed. 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 Conditional Use Permit. No electronic signs are being approved as part of this sign package. The addition of electronic signs and LED signs shall be considered a Major Amendment to the Conditional Use Permit. 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;
 11. The child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code;
 12. All provisions of the Neighborhood Commercial Zoning District shall be continually met; and,
 13. The Conditional Use Permit shall expire if the use as approved 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 applicant has submitted a Conditional Use Permit application to allow a child care center in a Neighborhood Commercial Zoning District. In particular, the applicant is proposing to open a child care center in an existing vacant building at 2601 Haines Avenue. The applicant proposes to operate a preschool program as well as an afterschool program as a part of the child care center which will have a maximum of 30 children, ages 3 to 12 years old, at any one time. The hours of operation will be from 7:30 a.m. to 6:00 p.m. Monday through Friday.

The property is located on the north side of Mall Drive, west of Haines Avenue and south of

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Crazy Horse Street. The property is currently developed with a single story brick building located on two lots.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit request to allow a child care center in a Neighborhood Commercial Zoning District and has noted the following considerations:

Use: The applicant is proposing to use the property as a child care center with a maximum of 30 children at any time. In particular, the applicant has indicated that the child care center will operate as a preschool during the morning and afternoon hours for up to 20 children and then provide after school child care for up to 30 children. The preschool will operate as follows:

Morning Session:

- 8:15 a.m. to 11:15 a.m.
- Structured preschool for up to 10 children ages 3 – 4
- Structured preschool for up to 10 children ages 4 – 5

Afternoon Session:

- 12:15 p.m. to 3:15 p.m.
- Structured preschool for up to 10 children ages 3 – 4
- Structured preschool for up to 10 children ages 4 – 5

After School:

- 3:30 p.m. to 6:00 p.m.
- After school care for up to 30 children ages 5 – 12

In addition, the applicant has noted that child care center would employ a maximum of two full-time staff members.

The property is zoned Neighborhood Commercial District. A child care center is a conditional use in the Neighborhood Commercial Zoning 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.

Play Area: Section 17.50.150 of the Rapid City Municipal Code requires that a minimum indoor play area of not less than 35 square feet per child shall be provided within the structure and that a minimum outdoor play area of 50 square feet per child be provided. 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.

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Based on the proposed maximum of 30 children, 1,500 square feet of outdoor play area and 1,050 square feet of indoor play area are required. The applicant has submitted a site plan that indicates that 1,728 square feet of outdoor play area and 2,175 square feet of indoor play area will be provided. In addition, the applicant's site plan has identified that a 4 foot high chain link fence will be provided along the north, south and east boundaries of the outdoor play area. An existing 6 foot high wooden privacy fence will serve as the required fencing on the west boundary of the play area. In addition, the property is located along Haines Avenue, Mall Drive and Crazy Horse Street. As previously stated, the outdoor play area must be setback a minimum of 25 feet from the property line that abuts right-of-way or a public street. The submitted site plan indicates that the proposed outdoor play area will be set back a minimum of 25 feet from all street frontages. The applicant has indicated that the outdoor play area will be open for use during operating hours of 7:30 a.m. to 6:00 p.m., although will not be continually used during that time.

Fencing: An existing six foot high wooden privacy fence is located on the west property line. In addition, a 4 foot high chain link fence is located along the east property line adjacent to Haines Avenue. This fence is located on top of a concrete retaining wall approximately 2 feet in height. The 4 foot chain link fence extends along the north and south property lines approximately 28 and 34 feet, respectively, and also is located on top of a concrete retaining wall that reduces to meet grade at the end of the fence line.

As previously stated, Chapter 17.50.150 of the Rapid City Municipal Code requires that a fence with a minimum height of 42 inches must be provided around the play area. The applicant has indicated that a 4 foot chain link fence will be installed around the outdoor play area. The proposed fencing satisfies the requirements of Chapter 17.50.150.

Landscaping: A minimum of 9,727 landscape points are required on the property. The submitted landscape plan identifies that 16,500 landscape points are being provided. The landscaping must be installed as per the approved landscape plan and must comply with all requirements of the Zoning Ordinance and must be continually maintained in a live, vegetative state.

Parking: A minimum of 5 parking spaces, including one "van" accessible space, are required for the proposed child care center. The site plan submitted by the applicant has identified that 9 spaces are being provided including one "van" accessible parking space. In addition, the site plan identifies two loading and unloading spaces in front of the building. Staff recommends that the parking be installed as per the approved parking plan and continually comply with all requirements of the Off-Street Parking Ordinance.

Vehicle Circulation: The site plan submitted by the applicant indicates that vehicle traffic will be restricted to one-way traffic along the east side of the building to accommodate parallel parking spaces and to efficiently utilize existing curb cuts on the property. The site plan identifies that one-way and no-entry signage will be posted on the property designating the appropriate vehicle circulation.

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Access: The property currently has three existing points of access, one off of Crazy Horse Street on the north side of the property and two off of Mall Drive on the south side of the property. The Street Design Criteria Manual requires that no more than two driveway approaches shall be allowed for any business establishment. As such, prior to issuance of a Building Permit, an Exception to the Street Design Criteria Manual must be obtained to allow for the three approaches.

Signage: The applicant has submitted a sign package with this application. The applicant has proposed utilizing an existing pole sign located on the property and replacing the face of the sign. The proposed face will be a static poster sign yellow in color with black lettering with the message, "Friends Forever Preschool Youth Program". This sign is proposed to be 7 feet wide and 8 feet tall. The proposed sign will be internally lit using florescent lighting. Also located on the existing pole is a static 7 foot wide by 5 foot tall sign with six lines of 6 inch removable letters. This sign is proposed to be white in color with black letters and will not be illuminated. The lower sign will be positioned 14 feet above the ground. No electronic signs are being proposed as a part of this Conditional Use Permit. The addition of electronic signage will require a Major Amendment to the Conditional Use Permit. In addition, a Sign Permit must be obtained prior to the installation of any signage.

Permits: A Building Permit must be obtained prior to any construction on the property and a Certificate of Occupancy must be obtained prior to occupancy.

Fire Code: All applicable provisions of the currently adopted International Fire Code must be continually met. Specifically, the structure must be protected throughout with an approved fire sprinkler system and fire detection and alarm system.

Site Development: The applicant should be aware that any additional site development including parking lot expansion or reconstruction, will require grading and drainage information, prepared by a registered professional engineer, be submitted for review and approval prior to the issuance of a building permit for that development. Resurfacing and restriping the parking lot will not require that grading and drainage information be provided.

Developmental Lot Agreement: The existing building has been constructed on two properties. 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.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the July 22, 2010 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Conditional Use Permit to allow a child care center in a Neighborhood Commercial Zoning District be approved with the stipulations as identified above.

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