

STAFF REPORT
March 22, 2012

No. 12UR002 - Conditional Use Permit to allow a Child Care Center

ITEM 23

GENERAL INFORMATION:

APPLICANT	Gina Goodshield
AGENT	John Lushbough
PROPERTY OWNER	Westridge Plaza, LLC
REQUEST	No. 12UR002 - Conditional Use Permit to allow a Child Care Center
EXISTING LEGAL DESCRIPTION	Lot E and Lot F of Block 21 of Providence Addition located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .97 acres
LOCATION	2626 West Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	South Dakota National Guard
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	1/13/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Child Care Center be **denied**.

GENERAL COMMENTS: **(Updated March 22, 2012. All revised and/or added text has been included in bold.) This item has been continued since the January 13, 2012 Planning Commission meeting to allow the applicant to submit revised and/or additional information as identified below.**

The applicant has requested a Conditional Use Permit to allow a Child Care Center in the General Commercial District. In particular, the applicant is requesting to operate a Child Care Center with 30 children and 8 staff. The applicant has indicated the Center will operate Monday through Friday, from 7:00 am to 6:00 pm.

The applicant's agent met with City staff on January 30, 2012 to discuss the

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requirements for a Child Care Center. As a result of the meeting, the applicant has submitted revised and/or additional materials.

The proposed Child Care Center is located in one suite of a four suite strip mall located at 2626 West Main Street in west-central Rapid City. Currently, the suite in consideration for the Child Care Center is vacant. InVision Optical Center, Tan World, and Great Clips are located in the adjacent suites on site. The applicant has indicated that the required fenced-in play area will be located on an adjacent parcel located to the northwest.

STAFF REVIEW: Staff has reviewed the application for a Conditional Use Permit in a General Commercial District and has noted the following considerations:

During the initial review of the application, staff commented on several issues that required the applicant's attention prior to consideration by the Planning Commission, including the site plan, off-street parking, play area, loading and unloading zone, interior layout of spaces in the suite, and fire protection measures. As noted above, staff met with the applicant's agent on Monday, January 30, 2012 to discuss these issues. The applicant requested to continue consideration of the application to the March 22, 2012 Planning Commission meeting in order to address the issues identified by staff.

Use: The applicant is proposing to use the property as a child care center with a maximum of 30 children and 8 staff members. The property is zoned General Commercial District. A child care center is a conditional use in the General Commercial District. Rapid City Municipal Code Section 17.50.150 sets forth the factors for consideration when reviewing a request for a Child Care Center, as follows:

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 shall also 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.

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 or 2,100 square feet of indoor space must be provided. The applicant has submitted a site plan that will provide 3,000 square feet of outdoor play area and 1,054 square feet of indoor play area. The proposed outdoor play area is located on the adjacent lot to the northeast. The property adjacent to the south of the play area and directly east of the strip mall is developed as a restaurant with on-sale liquor service. The applicant has submitted a preliminary lease agreement for review and approval that would lease portions of the property to the north to be used for parking and outdoor play area servicing the proposed Child Care Center. In addition, the applicant's site plan has identified that a 70 inch high chain link fence will be provided along the south, east, and west boundaries of the outdoor play area. An existing structure will serve as the boundary

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on the north side of the play area. The play area will be accessed through a gate located on the western side of the play area, on the property line between the two lots. From the submitted plans, it appears that the proposed gate access will eliminate one existing parking space. The submitted plans show access to the play area through the parking and circulation on the property and behind the loading and unloading zone. It does not appear that adequate pedestrian access is being provided for children to access the play area. The submitted site plan does, however, indicate 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 the operating hours of 7:30 a.m. to 6:00 p.m., although will not be continually used during that time. Due to the location of the play area on a separate lot currently developed as mini-storage units, the inadequate pedestrian access to the play area, and the proximity of the play area adjacent to an on-sale liquor establishment, it does not appear the proposed play area meets the requirements for a Child Care Center. As such, staff cannot support the request for a Conditional Use Permit.

Existing Development: Rapid City Municipal Code Section 17.54.030 states that during the review of a Conditional Use Permit, one consideration for approval is the location, character, and design of adjacent buildings. The proposed Child Care Center will be located in a fully developed commercial neighborhood located on a principal arterial street. Neighboring uses include several on-sale liquor establishments. Pizza Hut, adjacent and southeast of the existing strip mall and south of proposed play area, is one of these locations. Several casinos with on-sale liquor are also located nearby. Camp Rapid, a South Dakota National Guard facility, is located to the south of West Main Street. West Main Street is a primary east/west corridor through the City. It appears the proposed Child Care Center is an incompatible use with existing development in the area.

Fire Department: The Rapid City Fire Department has noted that the proposed parking layout located on the property to the north would obstruct travel around the western end of the facility, creating a potential dead end aisle of greater than 150 feet. A parking or circulation aisle of greater than 150 feet must provide a turnaround for fire apparatus. As such, the proposed parking spaces located on the property do not meet minimum requirements.

The proposed Child Care Center also requires that the entire structure housing the business must be fire sprinkler protected. At this time, the building does not meet the provisions of the International Fire Code.

Parking: During an initial review of the application, Staff noted that the proposed and existing uses on the property would require a total of 64 parking spaces. The initial site plan showed that 55 parking spaces were provided. The applicant has since submitted a revised site plan proposing an additional 14 off-premise parking spaces located on the property to the north. In addition, the applicant has submitted a lease agreement for review and approval that would lease portions of the property to the north to be used for both parking and outdoor play area for the proposed Child Care Center. The property to the north is an existing ministorage facility comprised of 4

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buildings and vehicle circulation all screened by a 70 inch chain link fence. No parking spaces currently exist on the leased site. Access between the strip mall and the proposed parking would be through a single gate located between the properties, obstructing one of the proposed parking spaces. Circulation between the two sites may not be possible with the proposed layout if a vehicle impedes movement through the connecting gate. During a review of the revised site plan, Fire Department staff also noted that the proposed parking layout would not provide proper Fire Department access or circulation through the site. In addition, staff noted that the proposed parking does not provide safe pedestrian access and circulation. The proposed parking spaces located at the far eastern side of the northern lot are more than 300 lineal feet from the Child Care Center. It does not appear the additional proposed parking meets the requirements of the Rapid City Parking Regulations, therefore it cannot be considered parking for the Child Care Center. The proposed site plan does not provide the minimum parking requirements. As such, staff recommends that the application be denied.

Notification Requirements: **The required green cards and white receipts from the certified mailing have been** returned to Community Planning and Development Services. The sign has been posted on the property. **As of this writing, there have been no inquiries into this Conditional Use Permit.**