

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

GENERAL INFORMATION:

APPLICANT	Roger Gallimore - YMCA of Rapid City
PROPERTY OWNER	Rapid City Independent School District
REQUEST	No. 13UR016 - Conditional Use Permit to allow a child care center
EXISTING LEGAL DESCRIPTION	Lots 1 thru 24, the vacated alley and the vacated 1/2 of 6th Street of Block 125 and Block 124, the vacated alley and the vacated 1/2 of 6th Street of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.36 acres
LOCATION	601 Columbus Street
EXISTING ZONING	Public District
FUTURE LAND USE DESIGNATION	Public
SURROUNDING ZONING	
North:	High Density Residential District - High Density Residential District (Planned Development)
South:	Medium Density Residential District
East:	Office Commercial District (Planned Development) - High Density Residential District
West:	General Commercial District - Office Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	September 16, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. A building permit shall be required prior to construction. A Certificate of Occupancy shall be required prior to Occupancy;
2. Prior to issuance of building permits, an 11.1 Historic Review must be completed for all future changes or renovations of the property;
3. Prior to issuance of a Certificate of Occupancy, all areas required to be handicap accessible shall be made handicap accessible;

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

4. Prior to issuance of a Certificate of Occupancy, an approved fire sprinkler protection system shall be installed throughout the structure. In addition, an approved fire detection and alarm system shall be installed throughout the property. All provisions of the International Fire Code shall be continually maintained;
5. All landscaping disturbed as a result of the installation of the outdoor play area shall be replaced and all landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;
6. A minimum of 171 parking spaces shall continue to be provided for the property. All off-street parking shall continue to comply with the requirements of the Rapid City Parking Ordinance;
7. All signage shall comply with the requirements of the Rapid City Sign Code. All signage will require the review and approval of the Historic Sign Board. A sign permit shall be required for each sign;
8. All provisions of the Public District and the requirements for a Child Care Center pursuant to Chapter 17.50.150 of the Rapid City Municipal Code shall be continually maintained. The proposed child care center shall operate in compliance with the submitted operations plan. Changes in the operation of the child care center which are permitted by the Rapid City Municipal Code shall be permitted contingent upon the provision of sufficient parking, and;
9. This Conditional Use Permit shall allow for a child care center operated by the YMCA as an accessory use to the existing school. Changes in the operator of the child care center shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted a request to allow a child care center to be located on approximately 2.36 acres of property located in the Public District. Rapid City High School has recently been repurposed as an alternative school. As a part of the services available to students, the Rapid City YMCA is proposing a day care facility caring for an average of 16 and a maximum of 30 children as a part of the YMCA "Jump Start" program for young mothers attending the school. A total of 4 to 7 staff will care for the children. The Rapid City High School is a public use and the day care is a conditional use accessory to the primary school use, requiring the review and approval of a Conditional Use Permit.

Rapid City High School has recently been redeveloping with a variety of uses, including the alternative high school, a performing arts center, and offices for the Rapid City School District. A Final Planned Development (File #13PD003) was recently approved to create a parking lot for the Rapid City High School use located across Columbus Street to the north.

The property is located at 601 Columbus Street, between Fifth Street and Seventh Street in downtown Rapid City. The property is currently developed with a variety of public uses.

STAFF REVIEW: Staff has reviewed the proposed day care center pursuant to the requirements of Chapter 17.50.150 and Chapter 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

Criteria for Review: In reviewing applications for a Conditional Use Permit, due consideration shall be given to the following:

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

The location, character, and natural features of the property;

The property is located in a fully developed, central area of the City and is currently developed with a variety of public uses. Areas on the west side of the property provide open space and landscaping that the applicant is proposing to utilize as open space for the proposed day care center. The property is considered a contributing property in the Historic District. No additional expansion of the structures on the property is proposed. All renovation work currently occurring on the property has received the review and approval of the Historic Preservation Committee. Prior to issuance of building permits, an 11.1 Historic Review must be completed for all future changes or renovations to the structure.

The location, character, and design of adjacent buildings;

Property to the north is zoned High Density Residential District. The parking lot located on the north side of Columbus Street provides parking for Rapid City High School and is located within a Planned Development. Property to the east is zoned High Density Residential District and Office Commercial District with a Planned Development. Property to the south is zoned Medium Density Residential District. Property to the west is zoned General Commercial District and Office Commercial District. The surrounding area is developed with a dense mix of residential and commercial uses.

Proposed fencing, screening, and landscaping;

The applicant is proposing to construct a 42 inch high chain link fence outside the west door of the facility, but does not anticipate completing the outdoor play area until the spring of 2014. No expansion of the existing structures is being proposed and, as such, a review of the landscaping is not required. All landscaping disturbed as a result of the installation of the outdoor play area must be replaced. All landscaping must continue to comply with the requirements of the Rapid City Landscaping Ordinance.

Proposed vegetation, topography and natural drainage;

No changes to the existing vegetation, topography, and natural drainage are proposed as a part of the Conditional Use Permit. Public works staff has not noted any concerns with the existing drainage on the property.

Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicap persons;

The parking lot on the north side of Columbus Street provides 134 parking spaces for the uses existing within Rapid City High School. Most employees and students will park in this lot, although an additional 37 parking spaces and the loading/unloading zone are located adjacent to the east of the facility. A total of 171 parking spaces are being provided on-site and in the parking lot located on the north side of Columbus Street. The "Jump Start" program is meant to provide assistance to young mothers who are still attending high school. As such, the day care facility will provide services for students already attending Rapid City High School. In addition, staff in the day care facility has already been

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

considered in the parking requirements for the high school. Since all clients and staff are already employed/attending the school, no additional parking is required for the proposed day care facility. As such, a minimum of 171 parking spaces must continue to be provided for the property. All parking must continue to comply with the requirements of the Rapid City Parking Ordinance. It appears that sidewalks have been installed along Seventh Street, Columbus Street, Fifth Street, and the completed portions of South Street. Prior to a Certificate of Occupancy, all areas of the structure required to be handicap accessible shall be handicap accessible.

Existing traffic and traffic to be generated by the proposed use;

As previously noted, the proposed day care center will be for existing students of Rapid City High School only, and will not be publicly advertised. Similarly, staff will consist of existing staff at the Rapid City High School. The loading/unloading zone is located within a parking lot located adjacent to the center to the east and, as such, should not create an interference with area traffic. It does not appear that the proposed day care facility will increase or adversely affect the existing or expected traffic in the area.

Proposed signs and lighting:

No additional lighting or signage is being proposed for the site.

The availability of public utilities and services;

The property is serviced by Rapid City water and sewer. Public Works staff has noted that no proposed utility modifications on the outside of the building are proposed. In addition, Public Works staff has not noted any concerns with the existing utility services.

The Rapid City Fire Department has noted that the structure must be protected throughout with an approved fire sprinkler protection system. In addition, an approved fire protection and alarm system must be provided. All provisions of the International Fire Code must be continually maintained. It should be noted that the Rapid City Fire Department has been working with representatives of the Rapid City School District to complete the installation of the required fire sprinkler protection and alarm systems.

The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;

The Future Land Use Plan identifies the property as appropriate for public uses. Schools are permitted as a public use. The proposed day care facility is an accessory to the primary education use. As such, the proposed day care facility meets the objectives of the comprehensive plan and the purposes of the Ordinance.

The overall density, yard, height, and other requirements of the zone in which it is located;

The proposed use will be located within existing structures on the site and no expansion of the existing structures is proposed. The applicant should note that additional construction on the site will require review and approval through an 11.1 Historic Review. All setbacks,

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

building heights, landscaping, parking, and lot coverage appear to comply with the requirements of the Public District. The property must continue to comply with all the provisions of the Public District and the requirements of a day care center.

The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;

The proposed day care facility use will be confined to the interior of the structure, with the exception of the proposed outdoor play area located on the west side of the structure. The property has historically been used as a school with children in the area. It does not appear that the proposed day care use will create undue amounts of noise, odor, smoke, dust, air, or water pollution.

The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on adjacent existing uses.

This Conditional Use Permit and the applicant's operations plan will serve as the tool to ensure that any potential adverse impacts of the use on the neighborhood are adequately mitigated. Staff recommends that the operations of the day care facility comply with the operations plan submitted by the YMCA. Changes in the operator of the day care facility will require the review and approval of a Major Amendment to the Conditional Use Permit.

Factors for consideration: In reviewing requests for a conditional use for child care centers, the Council may, in addition to the criteria included in 17.54.030.E, consider the following:

Proximity to major arterials;

Fifth Street, on the eastern edge of the property, is classified as a Principal Arterial Street on the City's Major Street Plan. The proposed day care facility will be accessed via South Street and all loading and unloading will occur within the adjacent parking lot. All child care portions of the facility will be located on the interior of the building with the exception of the outdoor play area, which will be located on the west side of the building away from the Principal Arterial Street. The proposed outdoor play area is a minimum of 25 feet from all property lines.

Proximity to recreation facilities;

The existing structure includes a gymnasium on the property that can be used as interior play area if required. The property is located within a fully developed section of the City. No additional parks or recreational areas are in proximity to the proposed day care facility.

Traffic generated by the center;

As previously noted, the day care facility will primarily be provided as a service to existing students at Rapid City High School. It is not expected that additional traffic will be generated by the center other than that of the existing students and staff.

STAFF REPORT
October 10, 2013

No. 13UR016 - Conditional Use Permit to Allow a Child Care Center

ITEM 4

Hours of operation of the center;

The hours of operation for the facility will coincide with the operational hours of the school:

- 7:00 am to 4:00 pm
- Monday through Friday
- No weekends and no days when the Rapid City School District is closed.
- During the school year only. The facility will not operate during the summer.

Maximum number of children appropriate to the area:

The submitted operation plan shows that an average of 16 children are cared for at the facility at any one time, but that a maximum of 30 children will be allowed at the facility.

Play Areas: Based on a maximum number of 30 children a minimum of 1,500 square feet of outdoor play area enclosed by a 52 inch high fence must be provided. However, if the minimum required outdoor play area is not provided, a minimum of 2,100 square feet of indoor play area must be provided. Plans show that a 1,350 square foot outdoor play area enclosed by a 42 inch high chain link fence is being provided. The outdoor play area does not appear to meet the minimum requirements for outdoor play area for a child care center. However, submitted plans show that a total of 3,232 square feet of play area is being provided inside the structure. Sufficient indoor play area is being provided and, as such, the outdoor play area is not required. In addition, the applicant has indicated that the existing gymnasium in the facility can also be utilized as a play area if needed.

Summary: The proposed day care center will serve as an accessory to the existing alternative high school use currently operating within the historic structure located on the property. The center will care for a maximum of 30 children, but usually averages approximately 16 children. All staff and clients of the child care center are employees or students with the Rapid City School District. As a result, no additional parking is required. All the criteria for a conditional use are being met. All the criteria for a child care center are being met. For these reasons, staff recommends that the Conditional Use Permit to allow a child care center as a conditional use in the Public District be approved with the stipulations outlined above.

Notification Requirements: The letters have been returned to Community Planning and Development Services. The sign has been posted on the property. As of this writing, staff has received one phone call regarding the proposed day care center. The inquiring party noted that parking in the area can be difficult, but that if the use did not increase the parking demands in the neighborhood, she was not opposed to the requested day care center.