

# STAFF REPORT

April 10, 2014

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## No. 14PD006 - Final Planned Development Overlay to allow an adult daycare

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ITEM 4

### GENERAL INFORMATION:

APPLICANT	Western Resources for Disabled Independence
AGENT	Ann Van Loan
PROPERTY OWNER	Paradise Pines LLC
REQUEST	<b>No. 14PD006 - Final Planned Development Overlay to allow an adult daycare</b>
EXISTING LEGAL DESCRIPTION	Lot 2R of Block 19 of Robbinsdale #10 Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.67 acres
LOCATION	4110 Winfield Street
EXISTING ZONING	Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District (Planned Development Designation)
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 14, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

### RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow an adult daycare be approved with the following stipulations:

1. An Exception to reduce the required amount of off-street parking on the property from 15 spaces to 12 spaces is hereby granted. All parking shall comply with the Rapid City Parking Ordinance;
2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to initiation of the adult day care center use;
3. All landscaping shall continue to comply with the requirements of the Rapid City

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- Landscaping Ordinance;
4. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved with the approval of this Final Planned Development. The addition of LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
  5. All lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
  6. All provisions of the International Fire Code shall be continually maintained;
  7. The adult day care shall be operated in compliance with the submitted operations plan and the requirements of the Medium Density Residential District. All requirements of the Medium Density Residential District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
  8. This Final Planned Development shall allow for the development of an adult day care. Any uses permitted in the Medium Density Residential District shall be permitted, contingent upon obtaining a building permit and the provision of sufficient off-street parking. Any conditional uses in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted a request to allow an adult day care on a 0.67 acre lot zoned Medium Density Residential District. An adult day care is a conditional use in the Medium Density Residential District. Western Resources for Disabled Independents is proposing to use the existing buildings as an adult day care center with between 35 and 40 clients and 11 total staff servicing people with disabilities five days a week. As a part of this request, the applicant is requesting to reduce the required parking on the property.

The property is located at 4110 Winfield Street, southeast of the intersection of Minnesota Street and Winfield Street. The property was formerly the site of a group home which is no longer in use.

**STAFF REVIEW:** Staff has reviewed the requested Final Planned Development pursuant to the requirements of Rapid City Municipal Code Chapter 17.50.050.F(3) and has noted the following considerations:

In reviewing applications for an Initial Planned Development and/or Final Planned Development, the following findings shall be considered in a recommendation for approval or denial:

*There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;*

The property is located on 0.67 acres of land currently zoned Medium Density Residential District. The existing structures were previously utilized as a group home which has since ceased operation on the property. The applicant is now proposing to utilize the existing structures on the property as an adult day care operated by Western Resources for

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Disabled Independents (WRDI). No expansions or additions to the existing structures are being proposed. The surrounding properties are zoned Medium Density Residential District. There are no issues specific to the property due to its size, shape, or topography.

*The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;*

An adult day care is a conditional use in the Medium Density Residential District. The submitted operations plan indicates that six full time staff, four part time staff, and one manager will work with 35-40 clients at the facility. The Rapid City Parking Ordinance requires that a minimum of 15 parking spaces be provided for the expected number of clients and staff. The applicant has indicated that none of the clients will drive to the facility and that most of the clients will be picked up and dropped off by facility staff utilizing a van service. In addition, the staff will be working at the center in shifts, so that only a portion of the 11 staff members will be on the property at any given time. The submitted plans show that a total of 12 parking spaces are being proposed for the site. Three of the proposed parking spaces will serve as van parking for the facility's vans. Based on the submitted operations plan, it appears that 12 spaces will be sufficient for the proposed use. Based on these reasons, it appears that application of the Rapid City Parking Ordinance to this particular piece of property may create a practical difficulty or undue hardship.

*Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;*

The submitted operations plan shows that a total of 15 parking spaces are required for the uses on the property. Submitted plans show that a total of 12 parking spaces are being proposed. The submitted operations plan for the center states that clients of the facility will not be driving to the location and most will be bussed to and from the facility by staff or through other means. In addition, staff will work in shifts and will not utilize all the parking being provided at the facility. Submitted plans show that two handicap parking spaces are being provided, and that the three parking spaces located on the north side of the parking lot will generally be reserved for the facility's three vans. Based on these reasons, it does not appear that the proposed Exception to reduce the required amount of off-street parking from 15 to 12 will cause undue hardship to the public good or impair the purposes and intent of these regulations.

*A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;*

The Zoning regulations for the Medium Density Residential District permit adult day cares as a conditional use in the Zoning District. However, development of the property through the Planned Development process allows the City to review additional criteria to establish the appropriateness of the use within the Zoning District. A literal interpretation of this chapter would not deprive the applicant of rights that others in the same district are allowed.

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*Any adverse impacts will be reasonably mitigated;*

This Planned Development will serve as the tool to ensure that potential adverse impacts of the Planned Development are mitigated to the greatest extent possible. Staff recommends that the adult day care be operated in compliance with the submitted operations plan. Submitted plans show that the existing structures on the site meet all the setback, building height, and lot coverage requirements of the Medium Density Residential District. All requirements of the Medium Density Residential District must be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development.

Hours of Operations: The submitted operations plan states that the facility will be open Monday through Friday, 7:00 am to 6:00 pm.

Signage: Submitted plans show an existing interior illuminated ground sign measuring 95 inches tall by 120.5 inches long, totaling 79.6 square feet, is located on the northwestern corner of the property along Minnesota Street. A maximum 636.36 square foot sign is permitted on the property. The existing sign is in compliance with the City's Sign Ordinance. Any revisions to the sign will require that a sign permit be obtained.

Lighting: Plans show two light poles located between the parking lot and the entrance of the structure. No additional lighting of the parking lot or the exterior of the facility is proposed. All lighting must be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind.

Fire Department: The Rapid City Fire Department has not noted any concerns with the requested adult day care. All provisions of the International Fire Code must be continually maintained.

*The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.*

This Final Planned Development will allow for the development of an adult day care. Any uses permitted in the Medium Density Residential District will be permitted, contingent upon obtaining a building permit and provision of sufficient off-street parking. Any conditional uses in the Medium Density Residential District will require the review and approval of a Major Amendment to the Planned Development. With the exception of parking, it appears that the proposed adult day care will comply with all the requirements of the Medium Density Residential District. Based on the proposed operational plan and the limited number of visitors, it does not appear that the requested reduction in parking will have a negative impact on the neighborhood. The Final Planned Development will ensure that any negative impacts of the proposed use are mitigated to the greatest extent possible. For these reasons, staff recommends that the Final Planned Development to allow an adult day care on the property be approved with the stipulations outlined above.

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Notification requirements: The letters have been returned to Community Planning and Development Services for mailing. The sign has been picked up but, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the April 10, 2014 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.