

STAFF REPORT
April 10, 2014

No. 14UR005 - Major Amendment to a Conditional Use Permit to allow a preschool/daycare **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Holly Kennedy
AGENT	Marilyn Hogen
PROPERTY OWNER	Atonement Luthern Church
REQUEST	No. 14UR005 - Major Amendment to a Conditional Use Permit to allow a preschool/daycare
EXISTING LEGAL DESCRIPTION	Lot 5 of Madison's Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.87 acres
LOCATION	602 Auburn Drive
EXISTING ZONING	Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	General Agricultural District (Pennington County)
West:	Low Denisty Residential District I - Low Density Residential District II
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 14, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow a preschool/daycare be approved with the following stipulations:

1. A building permit shall be obtained. A Certificate of Occupancy shall be obtained prior to initiation of the child care center use;
2. Prior to issuance of a Certificate of Occupancy, property line sidewalk shall be extended along those portions of the property abutting Auburn Drive;
3. The child care center shall operation in compliance with the submitted operations plan;
4. All landscaping shall continue to comply with the requirements of the Rapid City

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- Landscaping Ordinance;
5. All parking and loading/unloading zones shall continue to comply with the requirements of the Rapid City Parking Ordinance;
 6. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be required for each sign;
 7. All provisions of the International Fire Code shall be continually maintained;
 8. All provisions of the Medium Density Residential 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, and;
 9. This Conditional Use Permit shall allow for a child care center to be operated as an after school program by the Rapid City School District. Uses permitted in the Medium Density Residential District shall be permitted with an approved building permit and contingent upon provision of sufficient parking. Conditional uses shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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 preschool/daycare to be located on approximately 4.87 acres of property located in the Medium Density Residential District. Atonement Lutheran Church is proposing a preschool/daycare center for approximately 15 children and two staff to be located at their facilities located on Auburn Drive.

On July 23, 2009, the Planning Commission approved a Major Amendment to a Conditional Use Permit to allow a preschool to be located on the property as an accessory use to the primary church use (File #09UR017). Submitted plans showed that a minimum of 37 children and 4 staff members would consist of the first phase of a two phase program. The second phase would consist of an additional 6 staff and 27 children. The preschool/daycare center use was never implemented on the property. A stipulations of approval stated that the Conditional Use Permit on the property shall expire if the use is not undertaken within two years of the date of approval. To date, the preschool use has not occurred on the property. As such, the applicant has submitted this Major Amendment to allow a child care center as an accessory use to the existing church located on the property.

Submitted plans show that one staff member will work at the facility for every 12 children. Thus, an after school program for 50 children will employ a minimum of 5 staff members. Pinedale Elementary School is a public use and the after school program is a conditional use accessory to the primary school use, requiring the review and approval of a Conditional Use Permit.

The property is located at 602 Auburn Drive, west of North Haines Avenue. The property is currently developed as a church.

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:

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

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

The property is comprised of approximately 4.87 acres located in a developing residential area of the City. The property includes large amounts of open space which serves as a buffer to the residential development located to the north and west of the property. Property located across Haines Avenue to the east is located in Pennington County. Property to the south is developed with townhomes. The proposed child care center use will take place in the existing structures located on the property and no additional expansion of the structures is proposed. However, the addition of the child care center use does require a building permit. A building permit must be obtained prior to commencement of any preschool/daycare activities.

The location, character, and design of adjacent buildings;

Property to the north and south is zoned Medium Density Residential District and developed with a mix of single-family residences and townhomes. Property to the west is zoned Low Density Residential-1 District and Low Density Residential-2 District and is also developed with a mix of single-family residential and townhome development. The existing church has been located on the property as a conditional use since 2004 (File #04UR002). Property to the west and north is buffered from the church property by landscaping and the existing parsonage home located on the property. In addition, the outdoor play area identified in the site plan is located on the eastern portions of the property, and buffered from adjoining residential development by the existing structures and parking lots located on the property.

Proposed fencing, screening, and landscaping;

Submitted plans show that the outdoor play area is separated from the rest of the property with an existing 52 inch tall fence. The property is fully landscaped and no additional expansion of the structures on the property is proposed. As such, a review of the landscaping is not required. 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 submitted operations plan shows that a minimum of 4 off-street parking spaces including one van-accessible handicap parking space, and a loading and unloading zone are required for the proposed child care center. Submitted plans show 70 parking spaces

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as well as a loading and unloading zone are being provided. The provided parking meets the minimum parking requirements for a child care center. All parking must continue to comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan. One of the stipulations of approval from the previously approved Conditional Use Permit stated that prior to issuance of a Certificate of Occupancy sidewalk must be installed along Auburn Drive as it abuts the property. Public Works staff noted that sidewalks have not yet been extended along Auburn Drive. Prior to issuance of a Certificate of Occupancy, sidewalks must be extended along that portion of Auburn Drive which abuts the church property.

Sidewalks along Haines Avenue have also not been installed. As a part of the previously approved Major Amendment to the Conditional Use Permit, the applicant submitted a Waiver of Right to Protest the future assessment of sidewalks for Haines Avenue. As such, the installation of sidewalks cannot be required as a part of the review of this Major Amendment. However, the applicant should be aware that installation of sidewalks along Haines Avenue may be required as a part of a future development/improvement project.

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

The proposed child care center will be primarily for children of existing church members. In addition, the submitted operations plan identifies that no more than 15 children will be cared for at the facility. The loading/unloading zone is located within a parking lot located adjacent to the center to the north and, as such, should not create an interference with area traffic. The hours of operation are Monday through Friday, from 7:00 am to 5:30 pm and should not conflict with other church related activities. It does not appear that the proposed preschool 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 not noted any concerns with the existing utility services.

Rapid City Fire Department staff has not noted any concerns with the proposed child care center. All provisions of the International Fire Code must be continually maintained.

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 residential uses. Churches are a conditional use in the Medium Density Residential District. The proposed child care center is an accessory to the primary church use. As such, the proposed child care center meets the objectives of the comprehensive plan and the purposes of the Ordinance.

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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. All setbacks, building heights, landscaping, parking, and lot coverage appear to comply with the requirements for a church in the Medium Density Residential District. The property must continue to comply with all the provisions of the Medium Density Residential 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 child care center will be located in 2 existing classrooms within the church as well as the existing play area. The submitted operations plan shows that the center will operate until 5:30 pm on weekdays only, which will help to ensure that potential noise from the children in the outdoor play area will not create nuisances to neighboring residences late into the evening. 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 Major Amendment to the Conditional Use Permit and the applicant's operation 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 operation of the child care center comply with the operations plan submitted by Atonement Lutheran Church. Changes in the operator of the child care center 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;

Atonement Lutheran Church is adjacent to North Haines Avenue, located to the east of the property. Haines Avenue is shown as a Principal Arterial Street on the City's Major Street Plan. Plans show that the existing church is located 100.58 feet from the Haines Avenue right-of-way, and the existing fenced play area is located 82.8 feet away from the Haines Avenue right-of-way. An existing 52 inch tall chain-link fence currently separates the outdoor play area from the rest of the property. It appears that sufficient buffering and separation is being provided between the areas of the property being utilized for the child care center and Haines Avenue.

Proximity to recreation facilities;

The existing structure includes a number of classrooms/multi-purpose rooms which will serve as the primary space for the proposed child care center. In addition, 2,025 square

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feet of outdoor play are also being provided. 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 child care center will primarily be provided as a service for existing members of Atonement Lutheran Church. It is not expected that additional traffic will be generated by the center other than that of the existing students and staff.

Hours of operation of the center;

The hours of operation are Monday through Friday, 7:00 am to 5:30 pm.

Maximum number of children appropriate to the area:

The submitted operations plan says that a maximum of 15 children and 2 staff will attend the child care center. It does not appear that the proposed number of children located in the facility will have an adverse impact on the neighborhood.

Play Areas: Based on a maximum number of 15 children, a minimum of 750 square feet of outdoor play area must be provided. The playground immediately adjacent to the classrooms is comprised of approximately 2,025 square feet. Based on a maximum number of 15 kids and the provision of sufficient outdoor play area, a minimum of 525 square feet of indoor play area must be provided. The submitted plans show that the classrooms housing the child care center is approximately 860 square feet. The minimum amount of play area required for a child care center is being provided.

Summary: The proposed child care center will serve as an accessory use to the existing church currently located on the property. The center will care for a maximum of 15 children and the preschool/child care center will operate outside of hours for typical church-related activities. All the criteria for a conditional use and 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 an accessory to the existing church be approved with the stipulations outlined above.

Notification Requirements: The notification letters have been returned to Community Planning and Development Services. 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 these requirements have not been met. As of this writing, there have been no inquiries into the proposed child care center.