

STAFF REPORT
November 6 2014

No. 14UR020 - Conditional Use Permit to allow a child care center

ITEM 5

GENERAL INFORMATION:

APPLICANT	David Miller - Youth & Family Services, Inc.
PROPERTY OWNER	South Dakota Health and Educational Facilities
REQUEST	No. 14UR020 - Conditional Use Permit to allow a child care center
EXISTING LEGAL DESCRIPTION	Tract B of the E1/2 of the SE/14 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.02 acres
LOCATION	1600 Sedivy Lane
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Light Industrial
SURROUNDING ZONING	
North:	High Industrial District - Light Industrial District (Planned Development Designation)
South:	Light Industrial District
East:	Light Industrial District (Planned Development Designation) - Light Industrial District
West:	Light Industrial District - Public District - Light Industrial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 10, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

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 obtained prior to any construction. A certificate of completion shall be obtained prior to commencement of the child care center use;
2. Prior to issuance of a certificate of completion, all fire protection requirements shall be inspected and approved by the Rapid City Fire Department. All requirements of the International Fire Code shall be continually maintained;
3. All parking shall continue to comply with the requirements of the Rapid City Parking Ordinance;
4. All Landscaping shall continue to comply with the requirements of the Rapid City

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- Landscaping Ordinance;
5. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;
 6. All provisions of the Light Industrial District shall be continually maintained, and;
 7. This Conditional Use Permit shall allow for a child care center. The child care center shall operate in compliance with the submitted operations plans and all requirements of the Rapid City Municipal Code. Uses permitted in the Light Industrial District shall be permitted contingent upon approval of a building permit and provision of sufficient parking. Conditional uses 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 10.02 acres of property located in the Light Industrial District. The proposed child care center, to be operated by Youth and Family Services, will accommodate a maximum of 44 students and a total of 13 staff and will operate Monday through Friday, 6:30 am to 6:00 pm. A child care center is a conditional use in the Light Industrial District. The structure located in the northwest corner of the property was once utilized as a daycare as a part of the Western Dakota Tech campus. The applicant is proposing to use the existing structures and fenced yard for the child care center. No additions or expansions to the existing structure are being proposed.

The property is located at 1524 Sedivy Lane, approximately 600 feet south of the intersection of S.D Highway 44 and Sedivy Lane. The property is currently developed with four structures. Three of the structures are a part of the Western Dakota Tech campus. The fourth structure is for the proposed child care center and is currently vacant. Please note the existing classroom and storage space located in the three Western Dakota Tech structures is not being affected as a part of this Conditional Use Permit.

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:

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

The property is comprised of approximately 10.2 acres located in an area of the City developed with a variety of commercial and light industrial uses. The property is generally level and is fully developed. The site is predominantly paved in asphalt with some areas being utilized as gravel-covered storage. Existing landscaping is fully developed and is not changing as a part of this development. The applicant should note that the addition of the child care center use does require a building permit to reflect the change in use. A building permit must be obtained prior to commencement of any child care center activities.

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The location, character, and design of adjacent buildings;

Properties in the area are zoned a mix of Light Industrial, Heavy Industrial, and Public Districts and are developed with a variety of commercial and industrial uses, including offices, garden centers, and distribution centers.

Proposed fencing, screening, and landscaping;

Submitted plans show that a minimum 42 inch high chain link fence currently exists on both the north and south sides of the structure enclosing the existing 8,540 square feet of outdoor play area. The play area will be accessible from the interior of the structure and is located 25 feet from the western property line. The play area will be equipped with a variety of play ground equipment. No additional screening or landscaping is being proposed.

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;

A minimum of 18 parking spaces are required for the proposed child care center and a minimum of 56 parking spaces are required for the balance of the uses on the property. A total of 356 parking spaces are located on the property. The applicant should note that if the classroom uses on the property expand in the future, a minimum of 0.5 parking spaces per student must be provided. However, at this time it appears that sufficient parking is provided at the site. The existing loading-unloading zone will continue to be utilized for the facility. All parking requirements are being met. Submitted plans do not show that sidewalks are being provided along Sedivy Lane. Prior to issuance of a building permit, revised plans must be submitted which show that the required sidewalk is being provided, or an Exception must be obtained from the City Council waiving the requirement to provide the required sidewalk.

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

The proposed child care center will accommodate a maximum of 44 children and 13 staff. The loading/unloading zone is located within the parking lot and, as such, will not interfere with traffic on Sedivy Lane. Transportation Planning staff has noted that the use is anticipated to generate between 37 and 67 peak hour trips and, as such, does not require a Traffic Impact Study. It does not appear that the proposed child care center will adversely affect the existing or expected traffic in the area.

Proposed signs and lighting;

No additional lighting is being proposed for the site. The submitted operations plan notes that final design for signage has not been established. However, submitted plans do show

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the location of future signage on the western exterior wall of the facility and over the front entrance of the facility on the east side of the structure. The operations plan also notes that all signage will comply with the requirements of the Rapid City Municipal Code.

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 water services.

The facility was originally developed and operated as a child care center. The Rapid City Fire Department has noted that Youth and Family Services must coordinate with the Fire Department to ensure that all required fire protection features are inspected and operational. 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 light industrial development. Based on a recent revision of the Zoning Ordinance (File #14OA008), a child care center is a conditional use in the Light Industrial District provided that existing standards for a child care center are met and the surrounding uses are compatible with the design and operation of the facility. Surrounding properties are developed with a variety of commercial and industrial uses, including a garden center and a distribution center. The size of the property ensures that the child care center is buffered from other industrial uses in the area. Based on the previous use of the facility as a child care center, the character of adjacent properties, and the size of the subject property, it appears that the proposed child care center is appropriate for the area.

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

The proposed use will be located within an existing structure on the site and no expansion of the existing structure is proposed. All setbacks, building heights, landscaping, parking, and lot coverage appear to comply with the requirements of the Light Industrial District. The property must continue to comply with all the provisions of the Light Industrial District and the requirements of a child care center as specified in Chapter 17.50.150 of the Rapid City Municipal Code.

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 is located within an area developing with a mix of commercial and light industrial uses. The facility will not be operating after 6:00 pm. It does not appear that the proposed day care use will create undue amounts of noise, odor, smoke, dust, air, or water pollution and additional measures mitigating these factors are not necessary.

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

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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. Surrounding properties are developed with a variety of commercial and industrial uses, including a garden center and a distribution center. The size of the property ensures that the child care center is buffered from other industrial uses to the south and the east. In addition, the location of the child care center on the northwest corner of the property ensures that the use is separated from the other school uses on the property. Parking for the child care center is located adjacent to the east of the structure between the child care center and the Western Dakota Tech buildings. The balance of parking for the school is located south of the structures on the property. Based on these reasons it appears that the proposed child care center is appropriate for the area. Staff recommends that the operation of the child care center comply with the operations plan submitted by the applicant. Staff recommends that the child care center be approved with the stipulations noted above.

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

Proximity to major arterials;

Sedivy Lane is classified as a local street on the City's Major Street Plan. S.D. Highway 44, located approximately 600 feet to the north of the subject property, is classified as a principal arterial street on the City's Major Street Plan. Submitted plans show that all portions of the fenced yard being utilized as outdoor play area will be located at least 25 feet from Sedivy Lane.

Proximity to recreation facilities;

The property is located within an area of the City developed with a variety of commercial and light industrial uses. Property to the south and west of the proposed child care center is developed with the Star of the West baseball/softball field complex. No additional parks or recreational areas are in proximity to the proposed day care facility.

Traffic generated by the center;

As previously noted, Transportation Planning staff noted a maximum of 67 peak hour trips can be expected for a child care center of this size. It does not appear that the traffic generated by the proposed use will have a negative impact on the neighborhood.

Hours of operation of the center;

The submitted operations plan states that the facility will operate Monday through Friday, from 6:30 am to 6:00 pm.

Maximum number of children appropriate to the area:

The submitted operations plan states that a maximum of 44 children, with as many as 13 staff, will be employed at the facility. It does not appear that the proposed number of

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children located in the facility will have an adverse impact on the neighborhood based on the applicant's operations plan.

Play Areas: A total of 1,540 square feet of indoor play area is required. A total of 4,000 square feet of indoor play area is proposed. A total of 2,200 square feet of outdoor play area is required. A total of 8,540 square feet of outdoor play area is proposed. The minimum amount of play area required for a child care center is being provided.

Summary: The proposed child care center will serve a maximum of 44 children and employ a maximum of 13 staff. All parking and landscaping requirements are being met, including the provision of a loading and unloading zone and the required play areas. The facility is not expected to generate excessive traffic for the area. All the criteria for a conditional use and for a child care center are being met. Surrounding properties are developed with a variety of commercial and industrial uses, including a garden center and a distribution center. The size of the property ensures that the child care center is buffered from other industrial uses to the south and the east. The location of the child care center on the northwest corner of the property ensures that the use is separated from the other school uses on the property. Parking for the child care center is located adjacent to the east of the structure between the child care center and the Western Dakota Tech buildings. The balance of parking for the school is located south of the structures on the property. Based on the previous use of the facility as a child care center, the character of adjacent properties, and the size of the subject property, it appears that the proposed child care center is appropriate for the area. For these reasons, staff recommends that the Conditional Use Permit to allow a child care center in the Light Industrial District be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. The notification letters have been returned to Community Planning and Development Services for mailing. As of this writing, there have been no inquiries into the proposed child care center.