

STAFF REPORT  
February 18, 2010

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**No. 10UR001 - Conditional Use Permit to allow a child care center**      **ITEM 19**

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GENERAL INFORMATION:

APPLICANT/AGENT	Rural American Initiatives
PROPERTY OWNER	Wesleyan Indian Ministries, Inc.
REQUEST	<b>No. 10UR001 - Conditional Use Permit to allow a child care center</b>
EXISTING LEGAL DESCRIPTION	Lots A, C, E, F and G, Lots 6 thru 7, Lot 8 less Lot H1, Lot 9 less Lot H1, Lot 10 thru 13, of Block 2 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.28 acres
LOCATION	415 MacArthur Street
EXISTING ZONING	Low Density Residential District - Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development) - Low Density Residential District (Planned Residential Development)
South:	Medium Density Residential District
East:	Low Density Residential District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/22/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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 and a Certificate of Occupancy shall be obtained prior to occupancy;
2. The currently adopted International Fire Code and Building Code shall be continually met;
3. All signage shall conform to the design, color and location as shown in the sign package

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---

submitted as a part of the Conditional Use Permit. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

4. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
5. A minimum of 28 parking spaces shall be provided. In addition, one of the spaces shall be a van accessible handicap space. A bus loading and unloading space and four parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan;
6. A minimum of 70 square feet of indoor play space shall be provided per child as per Section 17.50.150.C of the Rapid City Municipal Code since no outdoor play area is proposed at this time. If an outdoor play area of 50 square feet per child is provided, then the indoor play space area shall be no less than 35 square feet per child. In addition, if an outdoor play area is provided, fencing in compliance with Chapter 17.50.150.C of the Rapid City Municipal Code shall be provided. In particular, the entire playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street;
7. The Conditional Use Permit shall allow the property to be used as a church with a child care center. A maximum of 15 children and four staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 7:00 a.m. to 5:30 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code;
8. All provisions of the Low Density Residential District and Medium Density Residential District, respectively, shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
9. The Conditional Use Permit to allow a child care center in conjunction with a church shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS:**

The applicant has submitted a Conditional Use Permit to allow a child care center in conjunction with an existing church to be operated in a portion of the church located on the property. In particular, the applicant is proposing to operate a child care center with Head Start services to include 15 children and four staff members. The applicant has indicated that the child care center will be operated Monday through Friday from 7:00 a.m. to 5:30 p.m.

STAFF REPORT  
February 18, 2010

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---

In 1974, a Conditional Use Permit was approved to allow the existing church to be constructed on the property. In 1989, a Major Amendment to the Conditional Use Permit was approved to allow an educational school program in conjunction with the existing church. In 1990, a Major Amendment to the Conditional Use Permit was approved to expand the church, the educational school program and to add offices and accessory structures south of the church site.

The applicant has indicated that an educational school program has not been operated in the church for the past two years. As such, the applicant submitted a Conditional Use Permit application for review and approval to allow the proposed child care center with Head Start serves. Please note that this Conditional Use Permit constitutes a Major Amendment to the existing Conditional Use Permit. The legal notification requirement to allow the child care center has been met with this application.

The property is located south of MacArthur Street, north of Anamosa Street and east of Haines Avenue. Currently, a church, an office building, two residences and two garages are located on the property. The applicant has indicated that the residence and garage located closest to the intersection of Haines Avenue and Anamosa Street will eventually be removed from the site to accommodate a turning lane that is proposed to be constructed at this intersection.

**STAFF REVIEW:**

Staff has reviewed the Conditional Use Permit request and has noted the following considerations:

**Use:** As previously indicated, the applicant is proposing to operate a child care center with Head Start services to include 15 children and four staff members within the existing church located on the property. The applicant has indicated that the child care center will be operated Monday through Friday from 7:00 a.m. to 5:30 p.m.

The eastern portion of the property is zoned Low Density Residential District and the western portion of the property is zoned Medium Density Residential District. A child care center is a conditional use in both zoning districts. In addition, Chapter 17.50.150 of the Rapid City Municipal Code establishes the criteria to operate a child care center.

Staff recommends that the proposed child care center be operated in compliance with the applicant's operational plan and pursuant to Chapter 17.50.150 of the Rapid City Municipal Code.

**Parking:** The existing church and proposed child care center require that a minimum of 28 parking spaces be provided. In addition, one of the spaces must be a van accessible handicap space. An unloading zone for the child care center must also be identified.

The applicant has submitted a site plan identifying 31 parking spaces with one of the spaces being a van accessible handicap space. The applicant has indicated that a majority of the children will be bused to and from the site. As such, the site plan identifies a bus loading

STAFF REPORT  
February 18, 2010

---

**No. 10UR001 - Conditional Use Permit to allow a child care center**

**ITEM 19**

---

and unloading zone within the parking lot located at the entrance to the building. In addition, four parking spaces have been identified for parents use to drop off children for those that choose not to utilize the bussing service.

Staff recommends that a minimum of 28 parking spaces be provided. In addition, one of the spaces must be a van accessible handicap space. A bus loading and unloading space and four parent drop-off spaces must be maintained at the entrance to the building as shown on the site plan.

Play Area: Section 17.50.150 of the Rapid City Municipal Code requires that a minimum play space of not less than 35 square feet per child shall be provided within the structure and that a minimum play space of 50 square feet per child be provided outdoors. All outdoor play space areas 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 which abuts right-of-way or a public street. If an outdoor play area is not provided, a minimum play space of 70 square feet per child must be provided within the structure.

Currently, a four foot high chain link fence is located along a portion of the perimeter of the property, adjacent to the street right-of-way. The fence does not completely enclose this area of the property and is open along the west side of the parking lot. As such, the applicant has indicated that all play space will be provided within the structure.

Staff recommends that a minimum of 70 square feet of indoor play space be provided per child as per Section 17.50.150.C of the Rapid City Municipal Code since no outdoor play area is proposed at this time. If an outdoor play area of 50 square feet per child is provided, then the indoor play space area shall be no less than 35 square feet per child. In addition, if an outdoor play area is provided, fencing in compliance with Chapter 17.50.150.C of the Rapid City Municipal Code must be provided. In particular, the entire playground area must be enclosed within a 42 inch high fence and must be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street.

Fire Code/Building Code: Building Inspection Staff and Fire Department Staff have inspected the existing church to insure that it meets Building and Fire Code requirements in order to be used as a child care center. The recent inspection has identified that the existing building is in compliance with the codes. Staff recommends that the currently adopted International Fire Code and Building Code be continually met.

Signage: The applicant has submitted a sign package identifying the existing double faced pole sign located within the western portion of the property which currently displays church messages. The applicant has indicated that no additional signage is being proposed as a part of this application. The applicant should be aware that due to the size of the existing sign, no additional signage would be allowed on the property pursuant to Chapter 15.28 of the Rapid City Municipal Code.

Staff recommends that the signage conform to the design, color and location as shown in the sign package submitted as a part of this Conditional Use Permit application. No

STAFF REPORT  
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electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit must also be obtained for each individual sign.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the February 18, 2010 Planning Commission meeting if these requirements have not been met.