



# Rapid City Planning Commission

## Conditional Use Permit Project Report

July 26, 2018

<b>Item #11</b>
<b>Applicant Request(s)</b>
Case # 18UR006 – Conditional Use Permit to allow a childcare center
Companion Case(s) # N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends that the Conditional Use Permit be approved with the stipulation(s) noted below

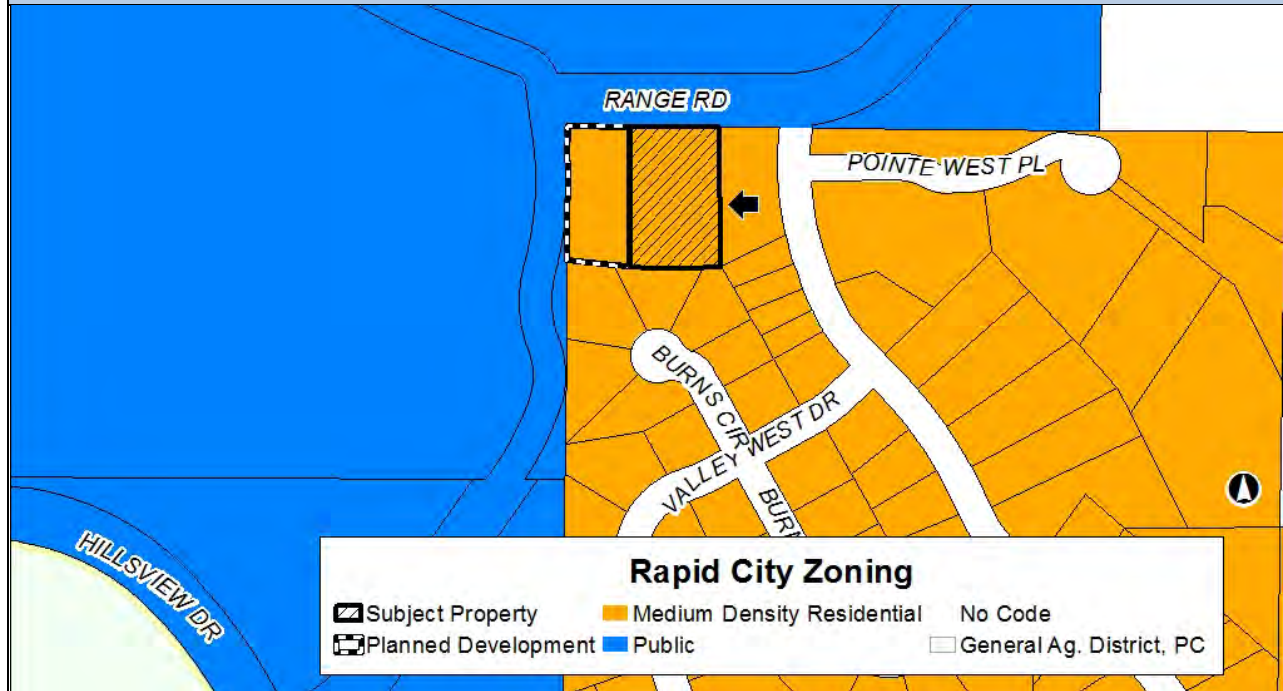
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Conditional Use Permit to allow a childcare center. The proposed childcare center will provide care for up to 48 children with 10 employees per shift and two eight-hour shifts per day. The hours of operation will be seven days a week from 5:30 a.m. to 10:30 p.m. The applicant has indicated that the weekend and later hours of operation are intended for people who need childcare in the evenings or weekends if needed. The property is the former location of a church and was most recently the location of “John Witherspoon College”. The property is located at 4021 Range Road and is currently developed with a college.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Julie and Cory Dieter	Planner: Fletcher Lacock
Property Owner: John Witherspoon College	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Todd Peckosh
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	4021 Range Road
Neighborhood	West Rapid Neighborhood Area
Subdivision	Western Heights Subdivision
Land Area	1.03 acres
Existing Buildings	John Witherspoon College (5,253 square feet)
Topography	Center of property is relatively flat – property drops in elevation to the northeast and to the south
Access	Range Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	John Witherspoon College
Adjacent North	P	P/QP	Stevens High School athletic fields
Adjacent South	MDR	UN	Single-family dwellings
Adjacent East	MDR	UN	Apartment building
Adjacent West	MDR-PD	UN	Apartment complex

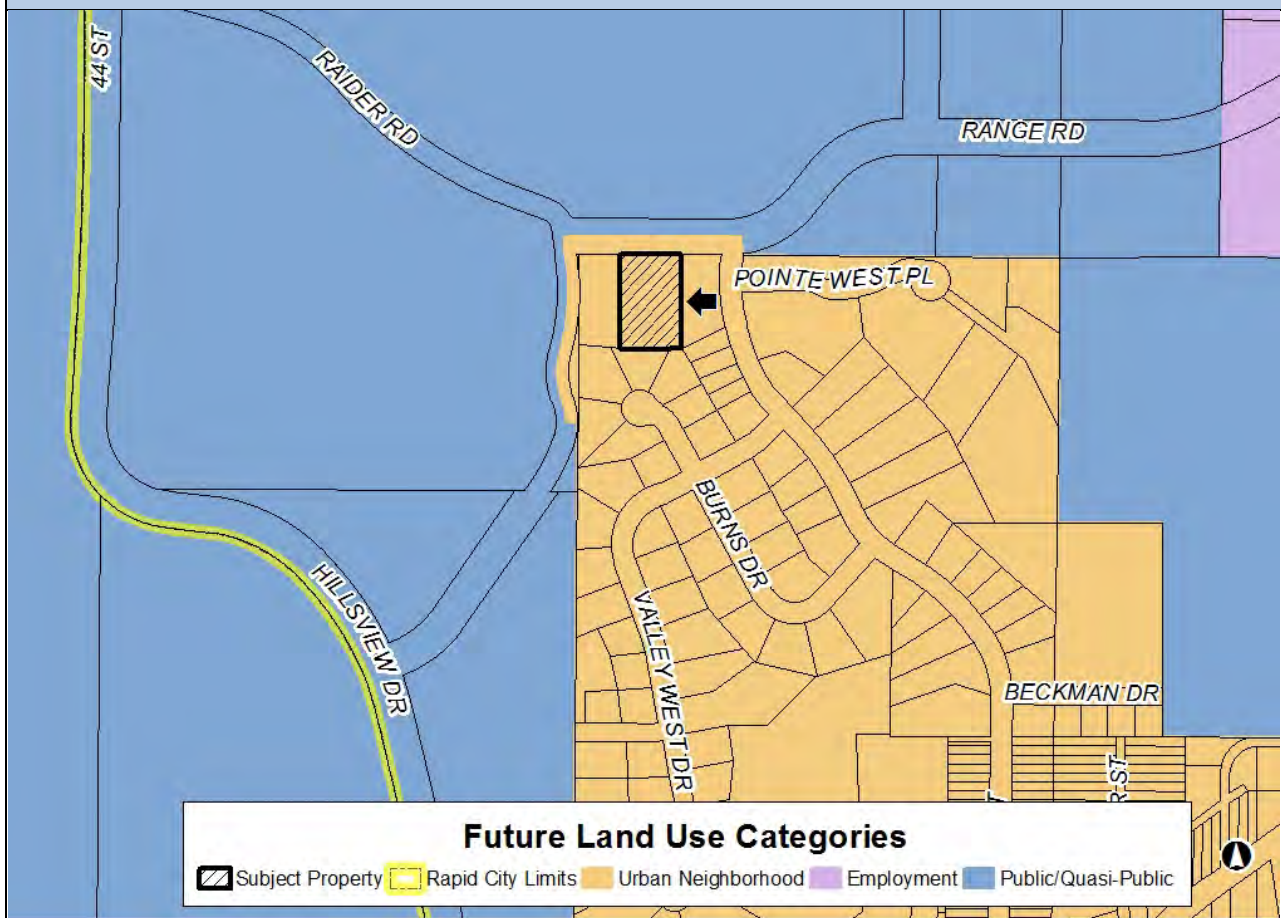
**Zoning Map**



**Existing Land Uses**



## Comprehensive Plan Future Land Use



### Future Land Use Categories

- Subject Property
- Rapid City Limits
- Urban Neighborhood
- Employment
- Public/Quasi-Public

## Parks or Transportation Plan



### Major Street Plan

- Subject Property
- Collector
- Minor arterial
- Principal arterial

<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
12UR004	02/09/2012	Conditional Use Permit to allow a university in the Medium Density Residential District	Approved with stipulations
05UR017	10/06/2005	Conditional Use Permit to allow a church in the Medium Density Residential District	Approved with stipulations
<b>Relevant Zoning District Regulations</b>			
Medium Density Residential District		<b>Required</b>	<b>Proposed</b>
Lot Area		30,000 square feet	44,867 square feet
Lot Frontage		100 feet	175 feet
Maximum Building Heights		3 stories or 35 feet	One story
Maximum Density		30%	11.7%
Minimum Building Setback:			
• Front		25 feet	48 feet
• Rear		25 feet	72 feet
• Side		8 feet	54 feet to the east and 35 feet to the west
• Street Side		N/A	N/A
Minimum Landscape Requirements:			
• # of landscape points		39,614	Approximately 48,000
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			
• # of parking spaces		15	37
• # of ADA spaces		1	1
Signage		As per Sign Code	Two existing ground signs
Fencing		As per RCMC 17.50.340	Minimum 4 foot high fence around outdoor play area

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a childcare center</b>	
1. The location, character and natural features of the property:	The property is approximately 1.03 acres in size and is located at 4021 Range Road. The property is zoned Medium Density Residential District and is the location of the John Witherspoon College.
2. The location, character and design of adjacent buildings:	Property to the north is zoned Public District and is the Stevens High School athletic fields. The properties to the east and west are zoned Medium Density Residential District and are developed with multi-family housing. Properties to the south are also zoned Medium Density Residential District and are developed with single-family dwellings.
3. Proposed fencing, screening and landscaping:	The applicant is proposing to construct a four to six foot high privacy fence around the proposed outdoor play areas. No additional landscaping or screening is being proposed.
4. Proposed vegetation, topography and natural drainage:	The property is currently developed with a college which was originally constructed as a church. The college will not remain on the property. The applicant is proposing to fence in two outdoor play areas but is not proposing any new structural development. The property rises in elevation from north to south approximately 4 feet and drops in elevation on the south end approximately 10 feet.

<p>5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:</p>	<p>Vehicular access to the property is from Range Road which is identified as a Collector Street on the City's Major Street Plan. There is an existing curbside sidewalk located on Range Road providing pedestrian access to the property.</p> <p>A minimum of 15 parking spaces are required for the proposed childcare center. The site plan identifies a total of 37 existing parking spaces. The applicant is proposing to move the ADA accessible parking spaces to create one of the fenced-in outdoor play areas. The proposed site plan does not include a striped aisle for the new ADA parking. As such, upon submittal of a building permit, a site plan must be submitted showing a striped aisle for the ADA parking spaces.</p>
<p>6. Existing traffic and traffic to be generated by the proposed use:</p>	<p>The proposed childcare center will generate approximately 45 per peak hour trips. The total number of anticipated trips does not trigger a Traffic Impact Study.</p>
<p>7. Proposed signs and lighting:</p>	<p>The applicant is proposing to reuse the existing monument signs located on the property. No electronic signage is being approved as a part of the Conditional Use Permit application.</p>
<p>8. The availability of public utilities and services:</p>	<p>The property is currently served by public utilities including Rapid City sewer and water.</p>
<p>9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:</p>	<p>The property is zoned Medium Density Residential District. A childcare center is identified as a conditional use in the district.</p>
<p>10. The overall density, yard, height and other requirements of the zone in which it is located:</p>	<p>The proposed structure appears to be in compliance with the area regulations of the Medium Density Residential District.</p>
<p>11. 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:</p>	<p>The proposed childcare center is located in an area of the City with three schools in close proximity: Stevens High School, West Middle School, and Canyon Lake Elementary School. The proposed outdoor play areas will be located behind the existing building which will provide a buffer from Range Road.</p>
<p>12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:</p>	<p>The stipulations of approval will ensure that the childcare center is operated in compliance with the submitted operations plan and that any expansion of use will require a Major Amendment to the Conditional Use Permit.</p>





<p><b>In reviewing a request for a conditional use for a childcare center, the Council may in addition to the criteria included in Rapid City Municipal Code Section 17.54.030.E, consider the following:</b></p>	
<p>1. Proximity to major arterials:</p>	<p>Range Road is identified as a Collector Street on the City's Major Street Plan. Raider Road, located west of the property, is also identified as a Collector Street on the City's Major Street Plan. Stevens High School is located west of the subject property. Soo San Drive, located east of the subject property, is identified as a Collector Street on the City's Major Street Plan. West Middle School is located to the east of the subject property.</p>
<p>2. Proximity to recreation facilities:</p>	<p>There are no recreational facilities located in the area. Canyon Lake Park is located approximately 5,000 feet to the south and Sioux Park is located approximately 7,000 feet to the east.</p>




3. Traffic generated by the center:	As noted above, the proposed childcare center will generate approximately 45 peak hour trips. The total number of anticipated trips does not trigger a Traffic Impact Study.
4. Hours of operation:	The submitted operations plan notes that the facility will operate Monday through Sunday from 5:30 a.m. to 10:30 p.m. There will be two shifts with 10 employees per shift and 48 children maximum per 8 hour shift.
5. Existing or potential levels of air and noise pollution:	Range Road is identified as a Collector Street on the City's Major Street Plan and provides access to Stevens High School and West Middle School. Traffic is usually higher during morning drop-off and afternoon pickup during the school year. The proposed outdoor play areas will be buffered from the street by the existing building and mature landscaping on the north side of the property.
6. Access from the center to adjacent areas used for commercial or industrial purposes:	The property is located along Range Road which is identified as a Collector Street on the City's Major Street Plan. The property is located approximately 4,000 feet southwest of West Main Street and Sturgis Road.
7. Appropriateness of outdoor play areas	The proposed outdoor play areas will be enclosed with a four to six foot high privacy fence. A minimum of 2,400 square feet of outdoor play area is required for 48 children. The proposed play areas will be 2,584 square feet in size exceeding the minimum requirement. The two play areas will include a playground adjacent to the building and a garden area south of the parking lot. The proposed outdoor play areas will be located on the south side of the building which will provide a buffer from Range Road.
8. Type of vehicular traffic common to the area:	The property is located between three public schools in the area: Stevens High School, Canyon Lake Elementary, and West Middle School. During the school year, traffic peaks in the morning and the afternoon as school begins and ends. Range Road, Soo San Drive, and Raider Road are all identified as Collector Streets on the City's Major Street Plan.

**Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial**

**In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:**

**Comprehensive Plan Conformance – Core Values Chapters**

	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
SHIS-3.3A	<b>Facility Coordination:</b> The proposed child care center will provide a service in the area and will be conveniently located within close proximity of three schools.
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> The property abuts Range Road which is identified as a Collector Street on the City's Major Street Plan. Raider Road to the west and Soo San Drive to the east are also identified as Collector Streets and provide access to three other schools in the area.

	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Conditional Use Permit requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Conditional Use Permit is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Urban Neighborhood</b>
<b>Design Standards:</b>	
N/A	The proposed Conditional Use Permit to allow a childcare center will provide a needed service in the area.
<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>West Rapid Neighborhood Area</b>
<b>Neighborhood Goal/Policy:</b>	
N/A	The property is located in an area of the City within close proximity to three schools and will provide a service convenient to the surrounding neighborhood.

<b>Findings</b>	
Staff has reviewed the Conditional Use Permit to allow a childcare center pursuant to Chapter 17.28, and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed childcare center is a conditional use in the Medium Density Residential District. The property is conveniently located within close proximity to three public schools and provides a service to the surrounding neighborhood.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends that the Conditional Use Permit to allow a childcare center be approved with the following stipulation(s):	
1.	Upon submittal of a Building Permit, a revised site plan shall be submitted showing a striped access aisle for the proposed ADA parking spaces;
2.	No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Conditional Use Permit. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;
3.	The proposed childcare center shall operate in compliance with the submitted operations plan and all approved plans. Changes in the operator of this facility shall require a Major Amendment to the Conditional Use Permit; and,
4.	The Conditional Use Permit shall allow a childcare center for a maximum of 48 children and 10 staff members with two shifts per day. Any expansion of the childcare center shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.



## Rapid City Department of Community Development

### Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

Applicant Request(s)	
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<b>Companion Case(s) #</b>	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
2.	All requirements of the currently adopted Building Code shall be met;
3.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
4.	ADA accessibility shall be maintained throughout the site as necessary;
5.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance; and,
6.	All lighting shall be designed to preclude shining on adjacent properties and rights-of-ways, so as not to create a nuisance to neighboring properties and traffic.