



# Rapid City Planning Commission

## Conditional Use Permit Project Report

August 8, 2019

<b>Item #9</b>
<b>Applicant Request(s)</b>
Case #19UR015 – 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>
The applicant has submitted a Conditional Use Permit to allow a childcare center. In particular, the applicant is proposing to construct a 7,000 square foot building with nine classrooms and an outdoor fenced-in play area. The proposed child care center, to be known as “Leap 2 Learn Educational Childcare”, will provide care for up to 103 children with 18 employees. The hours of operation will be Monday through Friday from 5:00 a.m. to 7:00 p.m.

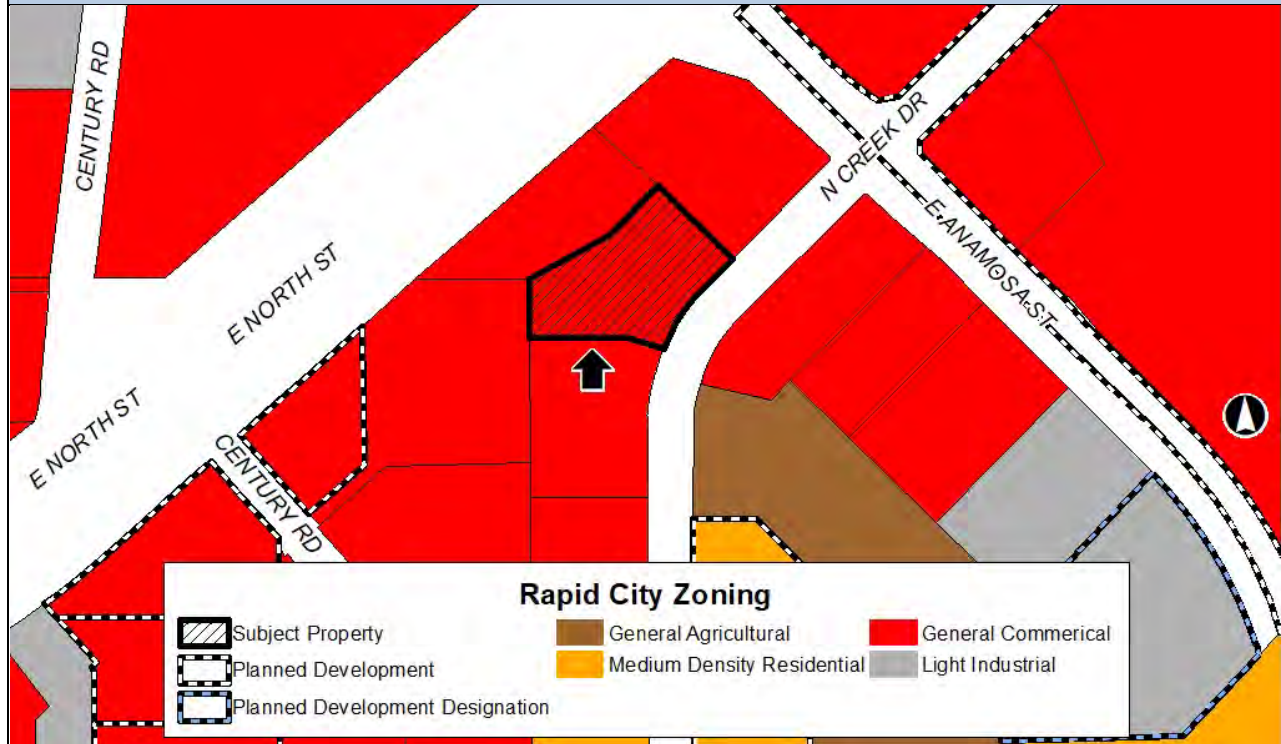
Applicant Information	Development Review Team Contacts
Applicant: North Creek Land Company, LLC	Planner: Fletcher Lacock
Property Owner: North Creek Land Company, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: Sperlich Consulting Inc	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	621 North Creek Drive
Neighborhood	Elk Vale Road Neighborhood Area
Subdivision	Menard Subdivision
Land Area	1.22 acres
Existing Buildings	Void of structural development
Topography	Relatively flat
Access	North Creek Drive
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	GC	MUC	Void of structural development
Adjacent North	GC	MUC	Childcare center
Adjacent South	GC	MUC	Void of structural development
Adjacent East	GC	MUC	Commercial strip mall
Adjacent West	GC	MUC	Commercial strip mall

**Zoning Map**

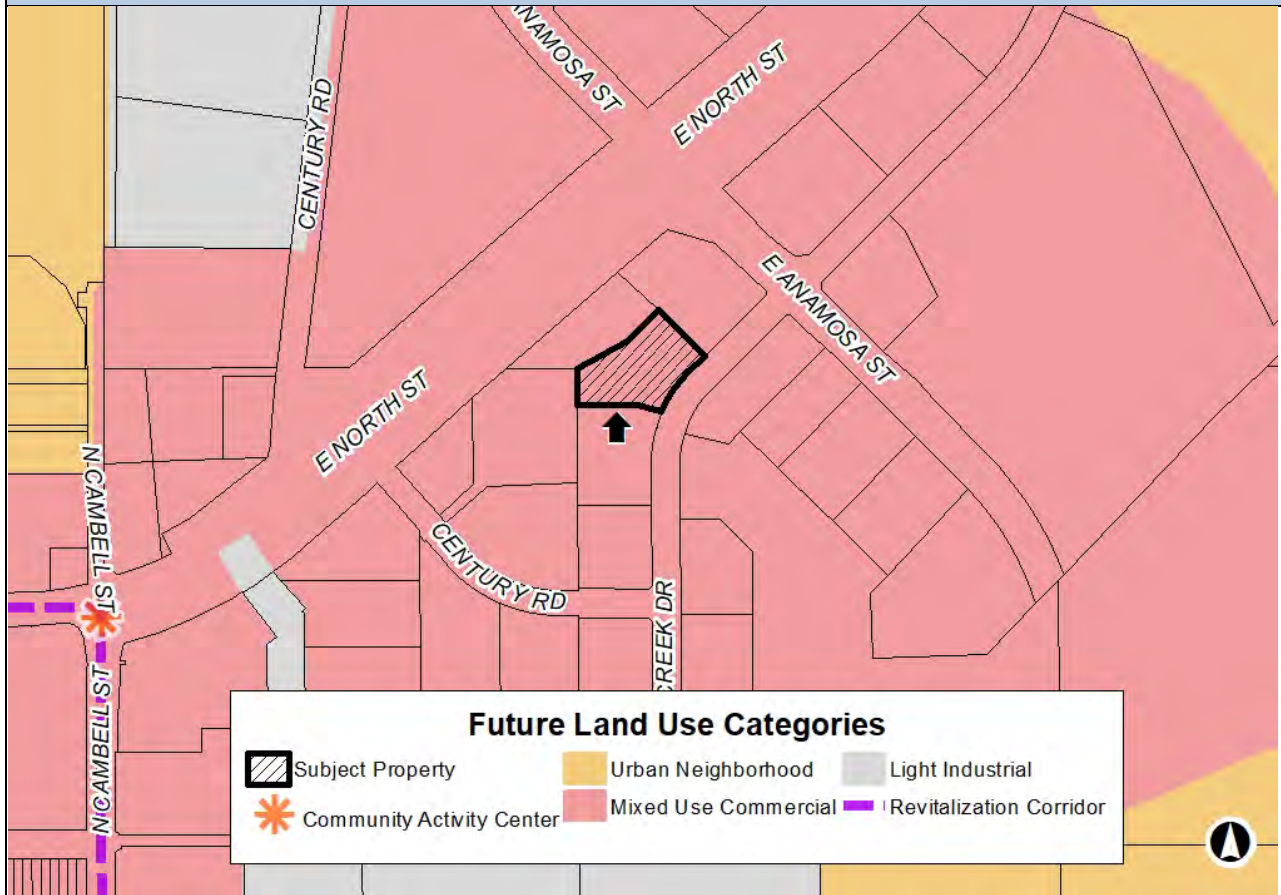


**Existing Land Uses**





## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	53,143 square feet	
Lot Frontage	N/A	198 feet	
Maximum Building Heights	4 stories or 45 feet	One story	
Maximum Density	75%	13.2%	
Minimum Building Setback:			
• Front	25 feet	140 feet	
• Rear	Zero	80 feet	
• Side	Zero	25 feet and 200 feet	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	46,012	46,507	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	29	30	
• # of ADA spaces	2	2	
Signage	As per Sign Code	32 square foot ground sign	
Fencing	6 feet	6 foot high opaque privacy fence	






Planning Commission Criteria and Findings for Approval or Denial	
<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 1.22 acres in size and is located approximately 300 feet southwest of the intersection of North Creek Drive and East Anamosa Street. The property is zoned General Commercial District and is currently void of any structural development.
2. The location, character and design of adjacent buildings:	The adjacent property to the north is the location of "Leap to Learn" childcare center. The applicant is proposing to open a second location on the subject property. Properties to the northeast and southwest are zoned General Commercial District and are developed with commercial strip malls. The property to the east is the location of "Flooring America". The property to the south is zoned General Commercial District and is currently void of structural development.
3. Proposed fencing, screening and landscaping:	The applicant is proposing to construct a six-foot high privacy fence around an outdoor play area. In addition to the fencing, a row of seven medium trees and four large trees will be planted along the North Creek Drive property line to provide an additional buffer to the outdoor play area.
4. Proposed vegetation, topography and natural drainage:	A minimum of 46,012 landscape points must be provided for the developed area of the lot. The applicant has submitted a landscape plan showing 46,507 points will be provided in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered	Vehicular access to the property will be from a shared approach off of North Creek Drive which is identified as a Minor Arterial Street on the City's Major Street Plan. The proposed development requires that five-foot wide public

vehicles and provisions for handicapped persons:	sidewalk be constructed along North Creek Drive. The applicant should be aware that sidewalk must be constructed in the pedestrian access easement connecting to Lot 2A to the north. As such, upon submittal of a Building Permit, the site plan must be revised to show sidewalk in the pedestrian access easement.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed childcare center will generate approximately 89 peak hour trips. The total number of anticipated trips does not trigger a Traffic Impact Study.
7. Proposed signs and lighting:	The applicant is proposing to construct a ground sign 8 feet wide and 6 feet high. No electronic signage is being approved as a part of the Conditional Use Permit application.
8. The availability of public utilities and services:	The property is currently served by public utilities including Rapid City sewer and water.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The property is zoned General Commercial District. A childcare center is identified as a conditional use in the district.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The proposed structure appears to be in compliance with the area regulations of the General Commercial District.
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:	The proposed childcare center is located within a developing commercial corridor located between East North Street and North Creek Drive. The proposed outdoor play area will be buffered from these streets by a privacy fence and landscape screening along North Creek Drive.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	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.



**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:**

1. Proximity to major arterials:	North Creek Drive is identified as a Minor Arterial Street on the City's Major Street Plan. Access to the property is proposed from a shared approach from North Creek Drive.
2. Proximity to recreation facilities:	There are no recreation facilities located in the area.
3. Traffic generated by the center:	As noted above, the proposed childcare center will generate approximately 89 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 Friday from 5:00 a.m. to 7:00 p.m. The property is located in a developing commercial corridor. There are no residential uses located adjacent to the subject property so the early open and later closing times will not be an issue.
5. Existing or potential levels of air and noise pollution:	The applicant is proposing to construct a six-foot high privacy fence surrounding the outdoor play area which will be set back approximately 140 feet from the property line.

	A row of seven medium trees and four large trees will also be planted between the fence and the property line to create additional buffering to the play area.
6. Access from the center to adjacent areas used for commercial or industrial purposes:	The property is located in a developing commercial corridor along East North Street, North Creek Drive and East Anamosa Street.
7. Appropriateness of outdoor play areas	The proposed outdoor play area will be enclosed with a six-foot high privacy fence and will take access directly from the interior of the structure. A minimum of 5,150 square feet of outdoor play area is required for 103 children. The proposed play area will be 14,304 square feet in size exceeding the minimum requirement. The proposed outdoor play area will be enclosed with a six foot high privacy fence and will be located on the west side of the building set back approximately 140 feet from the south property line which abuts North Creek Drive.
8. Type of vehicular traffic common to the area:	The property is located in a developing commercial corridor. As noted above, East North Street, North Creek Drive, and East Anamosa Street are identified as arterial streets on the City's Major Street Plan. East North Street provides access to Interstate 90 to the north, S.D. Highway 44 to the south, and Rushmore Crossing. North Creek Drive and East Anamosa Street will extend south in the future as development occurs.

<b>Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial</b>	
<b>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:</b>	
<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<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 a developing commercial corridor.
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> The property is located in a developing commercial corridor. The property is adjacent to East North Street and North Creek Drive which are identified as a Principal Arterial Street and a Minor Arterial Street, respectively, on the City's Major Street Plan.
	<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>	Mixed-Use Commercial
<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>	Elk Vale Road Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
NE-NA1.1B	<b>Mixed-Use Development:</b> The proposed child care center provides a service in an area of the City which is developing into a commercial corridor.

<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 General Commercial District. The proposed childcare center promotes mixed-use development in a developing commercial corridor located adjacent to East North Street, East Anamosa Street, and North Creek Drive.	

<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, the site plan shall be revised to show sidewalk in the pedestrian access easement to Lot 2A to the north or an Exception to allow a non-standard location shall be approved;
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 103 children and 18 staff members. Any expansion of the childcare center shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the General Commercial 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 Community Planning & Development Services

### 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)	
<b>Case #19UR015</b>	Conditional Use Permit to allow a childcare center
<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.