



# Rapid City Planning Commission

## Conditional Use Permit Project Report

August 22, 2019

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| <b>Item #7</b>  |
| <b>Applicant Request(s)</b>                                   |
| Case # 19UR018 – Conditional Use Permit to allow a pet kennel |
| Companion Case(s) # N/A                                       |

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| <b>Development Review Team Recommendation(s)</b>   |
| Staff recommends approval of the Conditional Use Permit to allow a pet kennel with the stipulations noted below. |

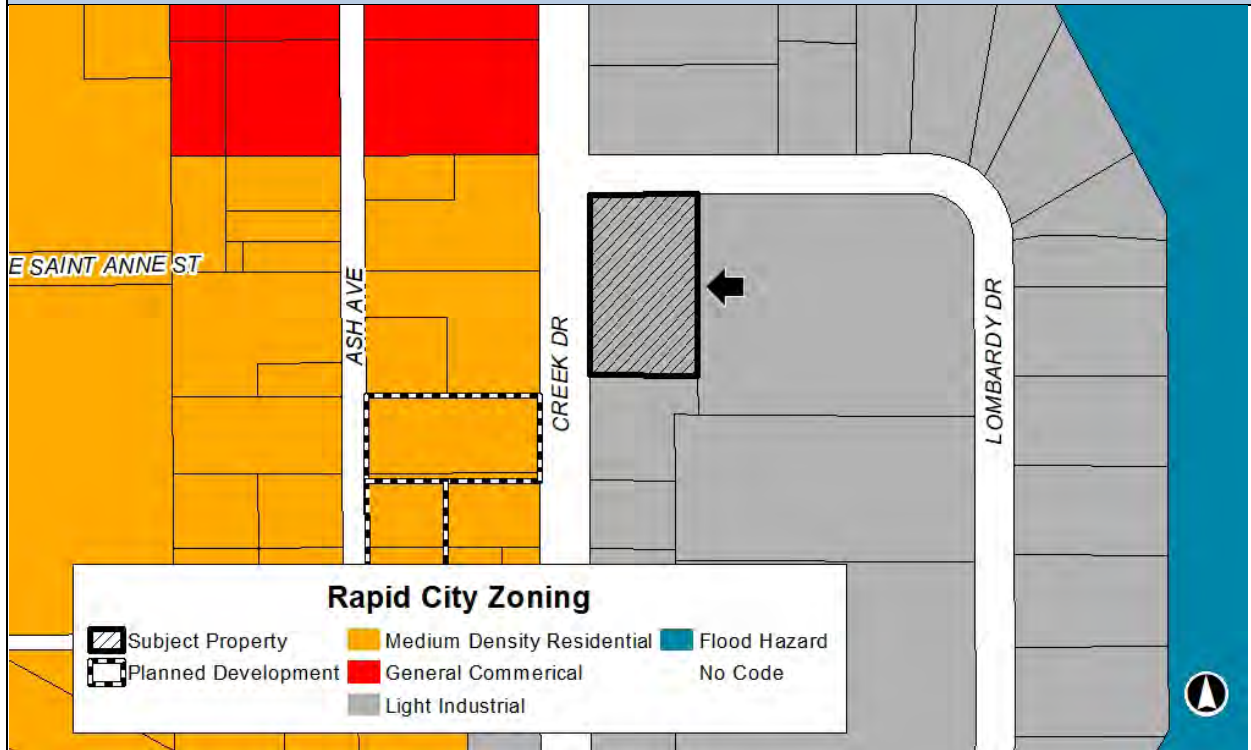
|  |                             |
|--|-----------------------------|
| <b>Project Summary Brief</b>   |                             |
| <p>The applicant has submitted a Conditional Use Permit application to allow an overnight pet kennel at the property located at 2004 Creek Drive. Specifically, “Safe Haven Pet Resort” has requested a Conditional Use Permit to allow a pet kennel and future caretaker residence on the property to provide overnight kenneling and day care services to approximately 100 pets. The subject property is zoned Light Industrial District and is 1.48 acres in size. The property currently is developed with a 19,976 square-foot structure occupying the lot. The proposed kennel use will occupy 15,974 square feet of the structure after all phases of expansion are complete. The remaining portion of the structure will be utilized for general office use. The hours of operation for the pet kennel will be Monday through Friday from 7:00 AM to 6:00 PM, Saturday from 7:00 AM to 4:00 PM, and Sunday 8:00 AM to 12:00 PM, and it is expected that the kennel will house up to 100 pets.</p> |                             |
| <b>Development Review Team Contacts</b>  |                             |
| Applicant: Melissa Foxworth  | Planner: John Green         |
| Property Owner: Highlanders LLC  | Engineer: Dan Kools         |
| Architect: N/A   | Fire District: Tim Behlings |
| Engineer: KDGI Inc.  | School District: N/A        |
| Surveyor: N/A  | Water/Sewer: John Green     |
| Other: N/A   | DOT: Stacy Bartlett         |

|                                     |   |
|-------------------------------------|---|
| <b>Subject Property Information</b> |   |
| Address/Location                    | 2004 Creek Drive                        |
| Neighborhood                        | Southeast Connector Neighborhood Area   |
| Subdivision                         | Lombardy Industrial Park                |
| Land Area                           | 1.48 acres or 64,469 square feet        |
| Existing Buildings                  | 19,976 square-foot Industrial Structure |
| Topography                          | Relatively flat                         |
| Access                              | Lombardy Drive and Creek Drive          |
| Water Provider                      | Rapid City                              |
| Sewer Provider                      | Rapid City                              |
| Electric/Gas Provider               | Black Hills Energy / MDU                |
| Floodplain                          | N/A                                     |

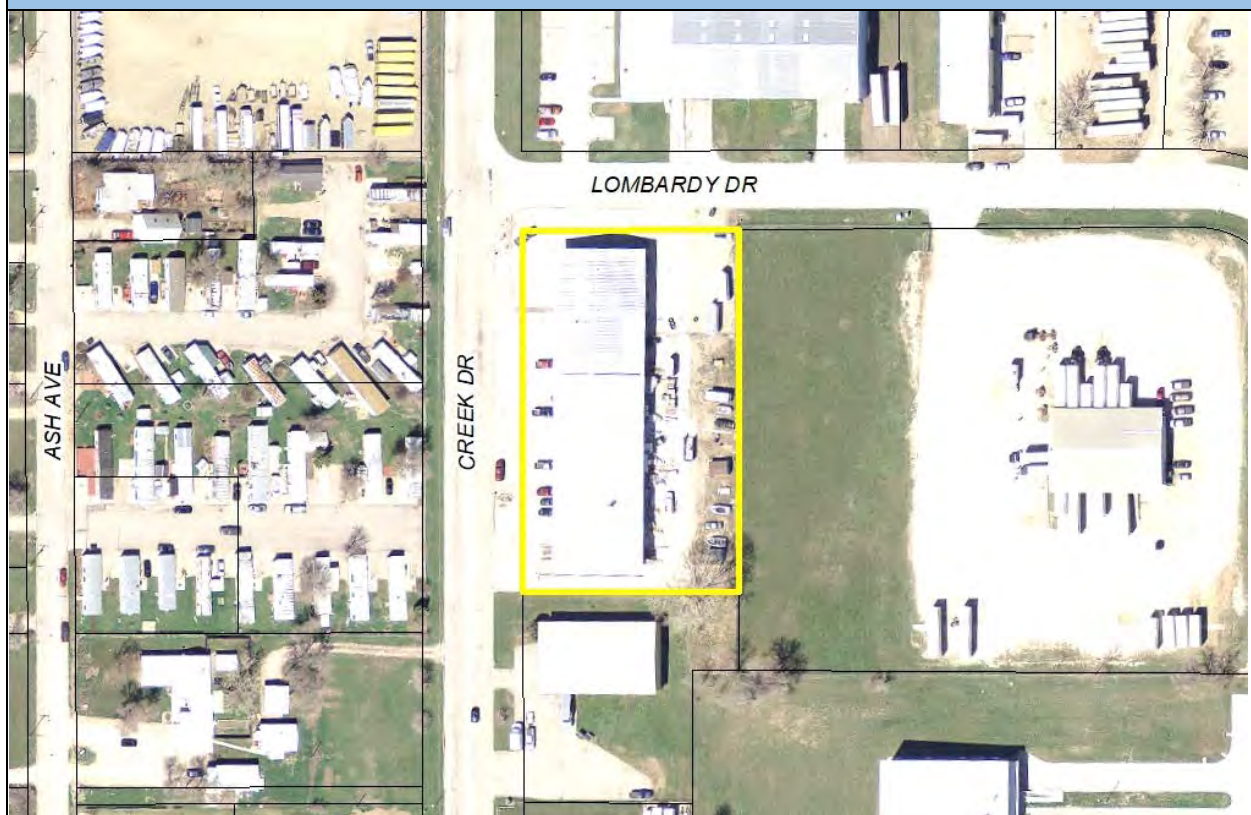
**Subject Property and Adjacent Property Designations**

|                  | Existing Zoning | Comprehensive Plan | Existing Land Use(s) |
|------------------|-----------------|--------------------|----------------------|
| Subject Property | LI              | LI                 | Industrial uses      |
| Adjacent North   | LI              | LI                 | Industrial uses      |
| Adjacent South   | LI              | LI                 | Industrial uses      |
| Adjacent East    | LI              | LI                 | Industrial uses      |
| Adjacent West    | MDR             | LI                 | Mobile Home Park     |

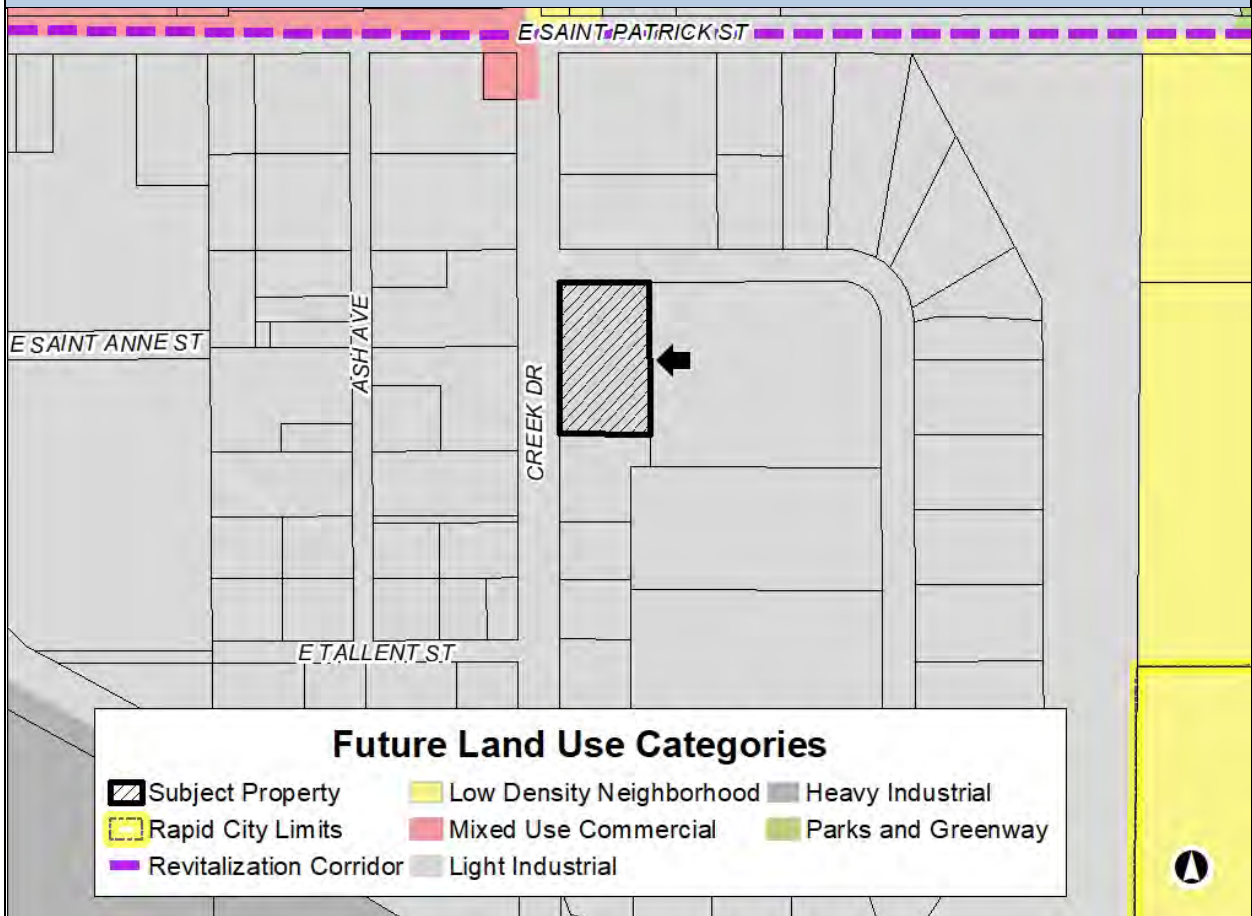
**Zoning Map**



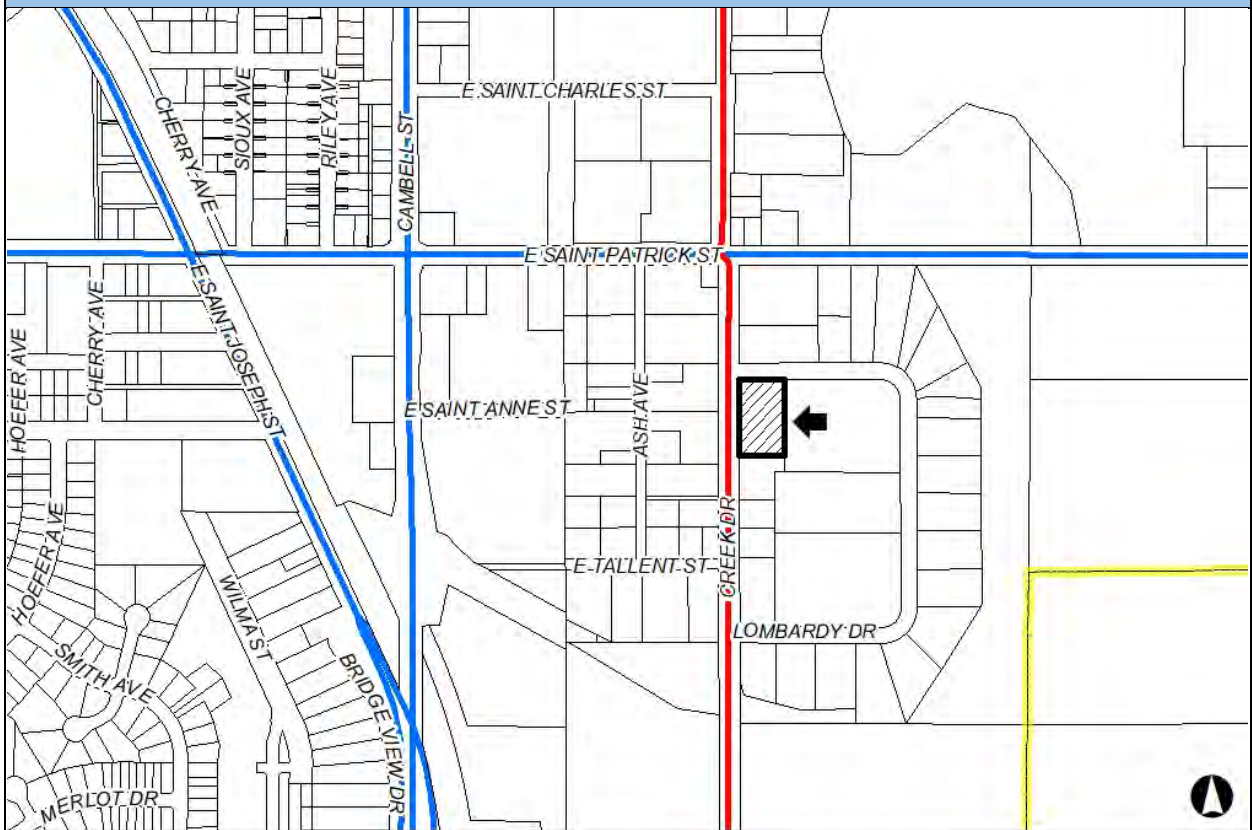
**Existing Land Uses**



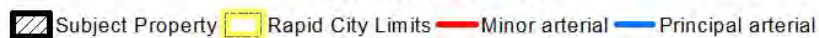
## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



## Major Street Plan



| <b>Relevant Case History</b>                |                               |   |               |
|---|-------------------------------|---|---------------|
| <b>Case/File#</b>                           | <b>Date</b>                   | <b>Request</b>  | <b>Action</b> |
| N/A   |                               |   |               |
| <b>Relevant Zoning District Regulations</b> |                               |   |               |
| <b>Light Industrial District</b>            | <b>Required</b>               | <b>Proposed</b>   |               |
| Lot Area                                    | 20,000 square feet            | 64,469 square feet  |               |
| Lot Frontage                                | N/A                           | 515 feet  |               |
| Maximum Building Heights                    | 4 stories, 45 feet            | One story   |               |
| Maximum Density                             | 75%                           | 31%   |               |
| Minimum Building Setback:                   |                               |   |               |
| • Front                                     | 25 feet                       | 25 feet   |               |
| • Rear                                      | 25 feet                       | 81 feet   |               |
| • Side                                      | 25 feet                       | 26 feet   |               |
| • Street Side                               | 25 feet                       | 25 feet   |               |
| Minimum Landscape Requirements:             |                               |   |               |
| • # of landscape points                     | 44,427 points                 | 45,166 points   |               |
| • # of landscape islands                    | 0                             | 0   |               |
| Minimum Parking Requirements:               |                               |   |               |
| • # of parking spaces                       | 33                            | 40  |               |
| • # of ADA spaces                           | 2 spaces (1 "Van Accessible") | 2 spaces (1 "Van accessible")                                   |               |
| Signage                                     | Pursuant to RCMC              | Proposed wall signage and a ground sign in compliance with RCMC |               |
| Fencing                                     | Pursuant to RCMC              | Proposing 6-foot high chain link fence for outdoor run area     |               |

| <b>Planning Commission Criteria and Findings for Approval or Denial</b>                                      |  |
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| <b>Pursuant to Chapter 17,54.030(E) of the Rapid City Municipal Code and has noted the following issues:</b> |  |
| 1. The location, character and natural features of the property:   | The property is located at the corner of Lombardy Drive and Creek Drive. The property is approximately 64,469 square feet in size and is occupied by an existing 19,976 square-foot industrial structure. The property is zoned Light Industrial District, which lists pet kennels as a Conditional Use within the district.   |
| 2. The location, character and design of adjacent buildings:   | Properties to the north, east, and south of the subject property consist of industrial warehouses and storage facilities. A mobile home park is located west of the subject property, across Creek Drive.  |
| 3. Proposed fencing, screening and landscaping:  | The applicant is proposing to construct a six foot high chain link fence on the eastern side of the building to be used as an outdoor dog-run. The applicant has submitted a landscape plan that identifies a majority of the landscaping surrounding the outdoor run area. However, Public Works staff has noted that some of the proposed landscaping is located within a 10-foot wide utility easement. Prior to issuance of a Building Permit, the site plan must be revised to show all proposed landscaping located outside of the existing 10-foot wide utility easement on the eastern side of the property. |

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| 4. Proposed vegetation, topography and natural drainage:  | Public Works staff has indicated that the proposed use will not adversely impact drainage on the surrounding neighborhood.  |
| 5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons: | The property is currently accessed via five separate approaches. Three of the approaches are accessed via Creek Drive on the west side of the property, while two approaches are located on the north side of the property, along Lombardy Drive. Public Works staff has indicated that the existing approaches and locations are acceptable for the proposed pet kennel use.   |
| 6. Existing traffic and traffic to be generated by the proposed use:  | The proposed use is not expected to significantly increase traffic in the surrounding neighborhood. The City's Traffic Engineer has stated that a Traffic Impact Study is not required for the proposed kennel use.   |
| 7. Proposed signs and lighting:   | The applicant has indicated that all signage will comply with the Sign Code. No electronic reader boards are being approved as a part of this application. An electronic reader board will require a Major Amendment to the Conditional Use Permit.   |
| 8. The availability of public utilities and services:   | The property is currently served by Rapid City water and sewer.   |
| 9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:   | The property is zoned Light Industrial District. A kennel is identified as a Conditional Use in the Light Industrial 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 Light Industrial 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 applicant has submitted an operations plan that identifies the hours of operation, frequency of outdoor time, and the schedule to clean and maintain the indoor and outdoor areas. The applicant has indicated that they use a service to dispose of pet waste and will soundproof the interior of the structure. The proposed outdoor dog run will be fenced and landscaped to provide a buffer from future development in the area. |
| 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 proposed kennel operates in compliance with the applicant's submitted operations plan and that infrastructure will be constructed prior to issuance of a Certificate of Occupancy.  |

**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**








**A Balanced Pattern of Growth**

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| BPG-3.1A | Balanced Uses: The proposed kennel use provides animal day care and overnight kennel options in a growing area of the City, surrounding by employment centered uses in the Lombardy Industrial Park Subdivision. |
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**A Vibrant, Livable Community**

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| LC-2.1E | Neighborhood Serving Uses: The proposed kennel use will provide day care and overnight kenneling to the surrounding neighborhood and community. |
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|  <b>A Safe, Healthy, Inclusive, and Skilled Community</b>    |  |
|  | N/A  |
|  <b>Efficient Transportation and Infrastructure Systems</b> |  |
| TI-2.1A  | <b>Major Street Plan Integration:</b> The property is currently accessed via Creek Drive on the west and Lombardy Drive on the north. Creek Drive is identified as a Minor Arterial Street on the City's Major Street Plan while Lombardy Drive is an Industrial Street.   |
|  <b>Economic Stability and Growth</b>                       |  |
| EC-1.3A  | <b>Local Business Support:</b> The applicant has indicated that due to the success of their current business at 3401 Cambell Street; the applicant is proposing to expand the services that are offered and a new location is needed.  |
|  <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 advertized 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. |

| Comprehensive Plan Conformance – Growth and Reinvestment Chapter |   |
|--|---|
| <b>Future Land Use Plan Designation(s):</b>                      | <b>Mixed-Use Commercial</b>   |
| <b>Design Standards:</b>   |   |
| N/A  | The property is currently zoned Light Industrial District. A kennel is a Conditional Use in the district. |

| Comprehensive Plan Conformance – Neighborhood Area Policies Chapter |  |
|---|--|
| <b>Neighborhood:</b>  | <b>Southeast Connector Neighborhood Area</b>   |
| <b>Neighborhood Goal/Policy:</b>                                    |  |
| SEC-NA1.1D  | <b>Mixed Use Development:</b> The proposed kennel provides a neighborhood serving use to the surrounding employment and industrial uses in the neighborhood and community. |

| Findings   |  |
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| <p>Staff has reviewed the Conditional Use Permit to allow a pet kennel pursuant to Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is zoned Light Industrial District and a kennel is identified as a Conditional Use. The property owner has indicated that any adverse effects of the kennel will be mitigated through soundproof design of the structure, outdoor screening, and waste disposal. The stipulations of approval will ensure that the kennel operates in compliance with the submitted operations plan.</p> |  |

| Planning Commission Recommendation and Stipulations of Approval |
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| Staff recommends approval of the Conditional Use Permit to allow a pet kennel with the following stipulation(s): |   |
| 1.   | Upon submittal of a Building Permit, the site plan shall be revised showing all proposed landscaping located outside of the 10 foot wide utility easement on the eastern property line;   |
| 2.   | All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of electronic or LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for any new signs;   |
| 3.   | The Conditional Use Permit shall allow for a kennel and caretakers residence. The proposed kennel shall operate in compliance with the submitted operations plan. Any expansion of the kennel shall require a Major Amendment to the Conditional Use Permit. All permitted uses in the Light Industrial District shall require review and approval of a Building Permit. Any change in use that is a Conditional Use in the Light Industrial District 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.*

|   |  | <b>Applicant Request(s)</b>                  |
|---|--|--|
| <b>Case # 19UR018</b>                     |  | Conditional Use Permit to allow a pet kennel |
| <b>Companion Case(s)</b><br><b>N/A</b>    |  | N/A  |
| <b>ADVISORIES: Please read carefully!</b> |  |  |
| 1.  | A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;  |  |
| 2.  | All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;   |  |
| 3.  | All requirements of the currently adopted Building Code shall be met;  |  |
| 4.  | An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;   |  |
| 5.  | A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading;  |  |
| 6.  | ADA accessibility shall be provided throughout the structure and site as necessary;  |  |
| 7.  | All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;  |  |
| 8.  | All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,  |  |
| 9.  | All applicable provisions of the adopted International Fire Code shall continually be met.   |  |
| 10.                                       | All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Variance. Any proposed electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign. |  |