



# Rapid City Planning Commission

## Conditional Use Permit Project Report

October 10, 2019

<b>Item #4</b>
<b>Applicant Request(s)</b>
Case #19UR021 – Major Amendment to a Conditional Use Permit to provide an indoor play area for existing childcare centers
Companion Case(s) # N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends approval of the Major Amendment to a Conditional Use Permit with the stipulation(s) noted below

<b>Project Summary Brief</b>
The applicant has submitted a Major Amendment to a Conditional Use Permit to construct an indoor play area measuring 3,000 square feet to serve two adjacent childcare centers located at 625 North Creek Drive and 621 North Creek Drive. The proposed childcare centers are known as “Leap 2 Learn Educational Childcare”. Both childcare centers are approved to provide care for up to 103 children with 18 employees. The hours of operation are Monday through Friday from 5:00 a.m. to 7:00 p.m. The applicant has indicated that the operations of both childcare centers will remain the same.

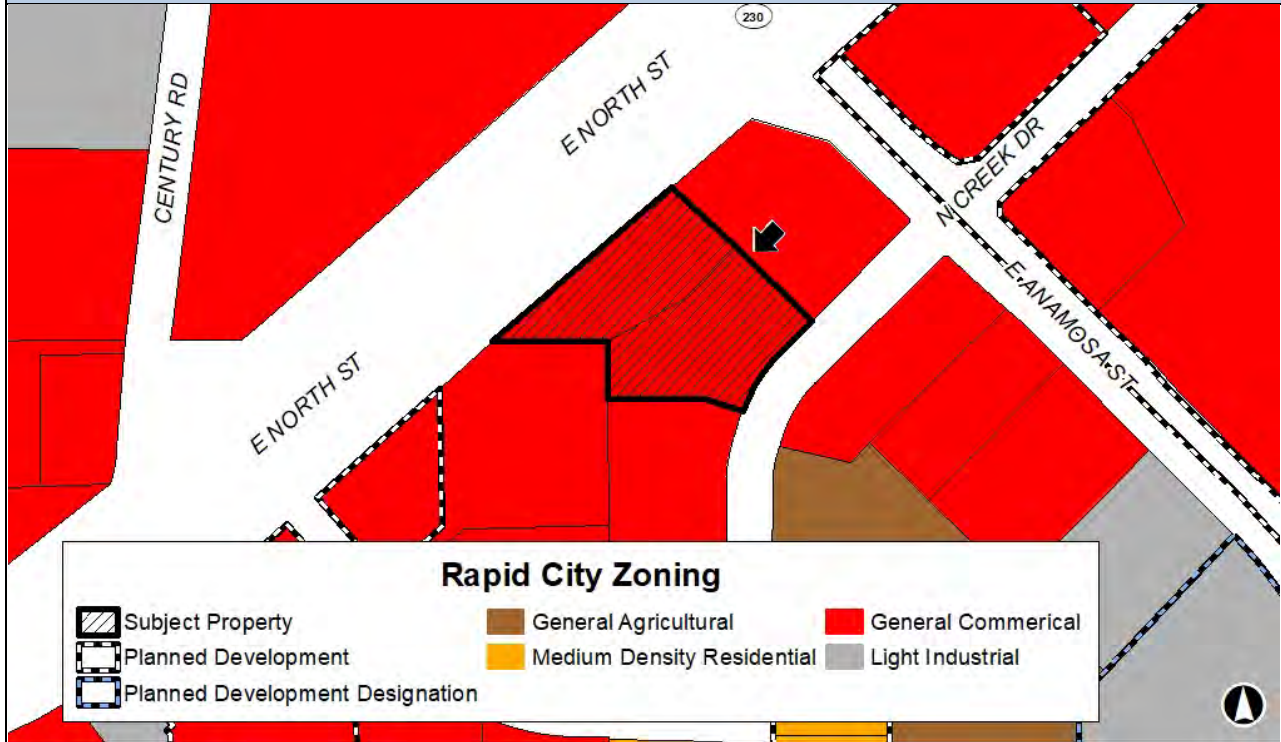
Applicant Information	Development Review Team Contacts
Applicant: North Creek Land Company, LLC	Planner: Fletcher Lacock
Property Owner: North Creek Land Company, LLC / Vista Ridge Properties, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: Renner Associates, LLC	School District: 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	2.34 acres
Existing Buildings	7,000 square foot existing
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**

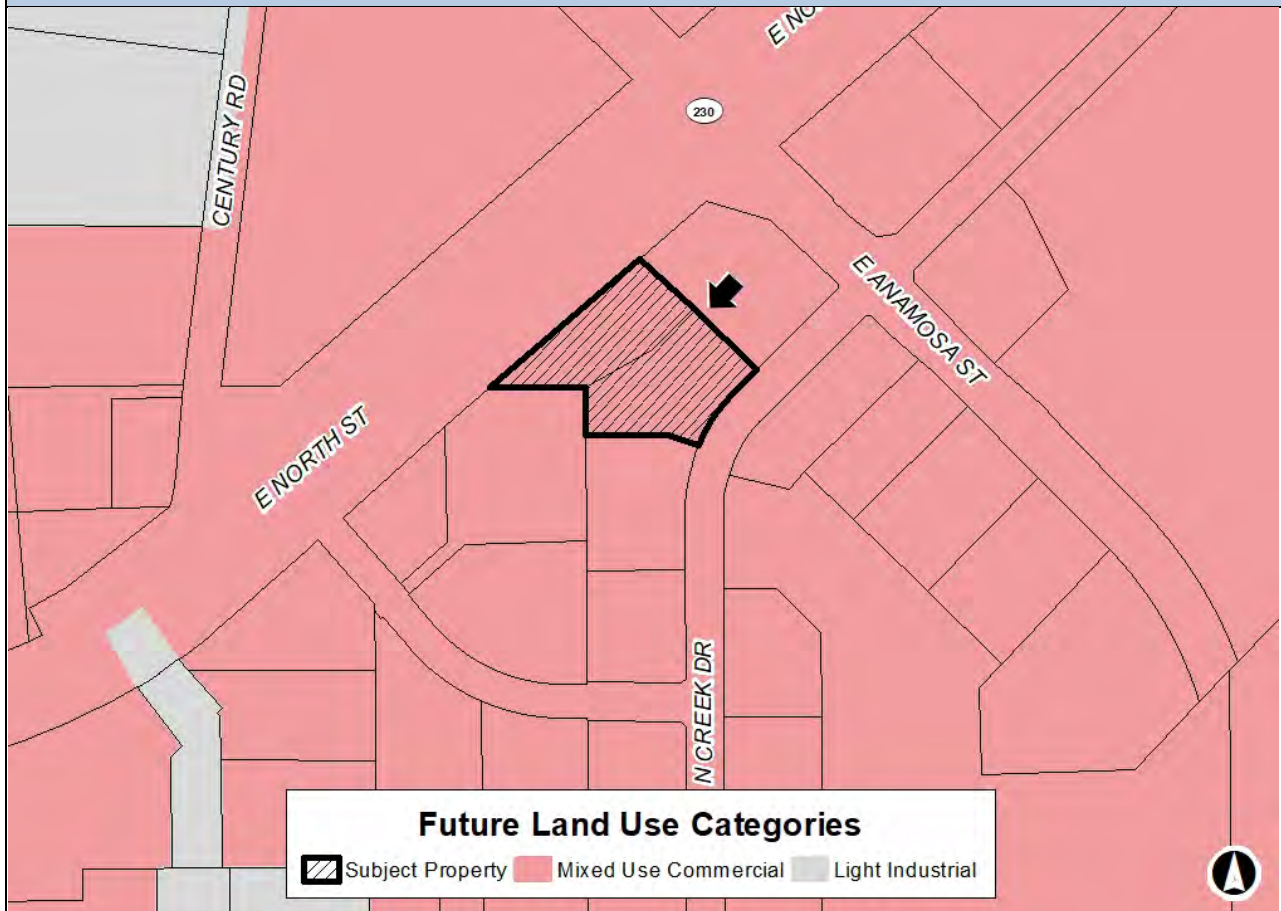


**Existing Land Uses**





### Comprehensive Plan Future Land Use





### Parks or Transportation Plan








Relevant Case History			
Case/File#	Date	Request	Action
19UR015	08/08/2019	Conditional Use Permit to allow a childcare center	PC approved
17UR016	08/24/2017	Conditional Use Permit to allow a childcare center	PC approved
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	101,930 square feet	
Lot Frontage	N/A	198 feet	
Maximum Building Heights	4 stories or 45 feet	One story	
Maximum Density	75%	16.6%	
Minimum Building Setback:			
• Front	25 feet	140 feet	
• Rear	Zero	80 feet	
• Side	Zero	25 feet	
• Street Side	25 feet	28 feet	
Minimum Landscape Requirements:			
• # of landscape points	43,143	43,143	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	60	64	
• # of ADA spaces	4	4	
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:	625 North Creek Drive is developed with a child care center with an associated outdoor play area. 621 North Creek Drive is approved for a childcare center with an outdoor play area but has not been constructed. The proposed indoor play area will be located at 621 North Creek Drive but will also be used by the facility at 625 North Creek Drive.
2. The location, character and design of adjacent buildings:	East North Street is located north of the subject properties. 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 should be aware that prior to issuance of a Building Permit, a landscape plan must be submitted for review and approval.
4. Proposed vegetation, topography and natural drainage:	A minimum of 43,143 landscape points are required with the addition of the new indoor play area. Upon submittal of a Building Permit, a landscape plan must be submitted for review and approval. The site plan identifies a proposed Minor Drainage Easement to be located on the property to the south which is also owned by the same property owner. As such, prior to issuance of a Building Permit, a copy of the recorded Minor Drainage Easement must be submitted.

<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 a shared approach off of North Creek Drive which is identified as a Minor Arterial Street on the City's Major Street Plan. The applicant is proposing to construct sidewalk that will be located in front of the proposed childcare center at 621 North Creek Drive and will connect to the existing childcare center at 625 North Creek Drive. Prior to issuance of a Building Permit, a copy of the recorded Pedestrian Access Easement must be submitted.</p> <p>The site plan identifies that access and parking will be shared between the two childcare centers. As such, prior to issuance of a Building Permit, a Shared Parking and Access Agreement must be entered into between the two property owners.</p>
<p>6. Existing traffic and traffic to be generated by the proposed use:</p>	<p>The proposed indoor play area will not increase the number of children and does not trigger a Traffic Impact Study.</p>
<p>7. Proposed signs and lighting:</p>	<p>A ground sign measuring 8 feet wide and 6 feet high was previously approved. No electronic signage is being approved as a part of this Major Amendment to a Conditional Use Permit.</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 General Commercial District. A childcare center is identified as a conditional use in the district. The proposed indoor play area requires a Major Amendment to the Conditional Use Permit.</p>
<p>10. The overall density, yard, height and other requirements of the zone in which it is located:</p>	<p>The proposed structures appear to be in compliance with the area regulations of the General Commercial 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 centers are located within a developing commercial corridor located between East North Street and North Creek Drive. The outdoor play areas are buffered from these streets by a privacy fence. The proposed indoor play area will be used by both childcare centers.</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 centers are operated in compliance with their submitted operations plans and that any expansion of use will require a Major Amendment to the Conditional Use Permit.</p>

<b>Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial</b>	
<p><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></p>	
<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<p><b>A Balanced Pattern of Growth</b></p>
	<p>N/A</p>
	<p><b>A Vibrant, Livable Community</b></p>
	<p>N/A</p>

	
<b>A Safe, Healthy, Inclusive, and Skilled Community</b>	
SHIS-3.3A	<b>Facility Coordination:</b> The child care centers provide a service in a developing commercial corridor. The proposed indoor play area will not change the approved operations plans for either childcare center.
	
<b>Efficient Transportation and Infrastructure Systems</b>	
TI-2.1A	<b>Major Street Plan Integration:</b> The properties are located in a developing commercial corridor. The properties are located 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 Major Amendment of a 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 Major Amendment to a 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>	Mixed-Use Commercial
<b>Design Standards:</b>	
N/A	The proposed indoor play area is an additional amenity to be utilized by two childcare centers which provide a needed service in the area.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	Elk Vale Road Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
NE-NA1.1B	<b>Mixed-Use Development:</b> The childcare centers provide a service in an area of the City which is developing into a commercial corridor.

Findings	
Staff has reviewed the Major Amendment to a 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. Conditional Use Permits have been approved for both childcare centers. The requested Major Amendment to the Conditional Use Permit is to allow an indoor play area measuring 3,000 square feet in size which will be utilized by both properties.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends approval of the Major Amendment to a Conditional Use Permit with the following stipulation(s):	
1.	Upon submittal of a Building Permit, a landscape plan shall be submitted for review and approval;
2.	Prior to issuance of a Building Permit, a copy of a recorded Minor Drainage Easement shall be submitted for review and approval;
3.	Prior to issuance of a Building Permit, a Shared Parking and Access Agreement shall be entered into and a copy submitted for review and approval;
4.	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;
5.	The proposed childcare centers shall operate in compliance with their submitted operations plan and all approved plans. Changes in the operators of the facilities shall require a Major Amendment to the Conditional Use Permit; and,
6.	The Major Amendment to a Conditional Use Permit shall allow an indoor play area to be constructed. Any further expansion of the childcare centers shall comply with Chapter 17.50.050 of the Rapid City Municipal Code. 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)	
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<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
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.