



# Rapid City Planning Commission

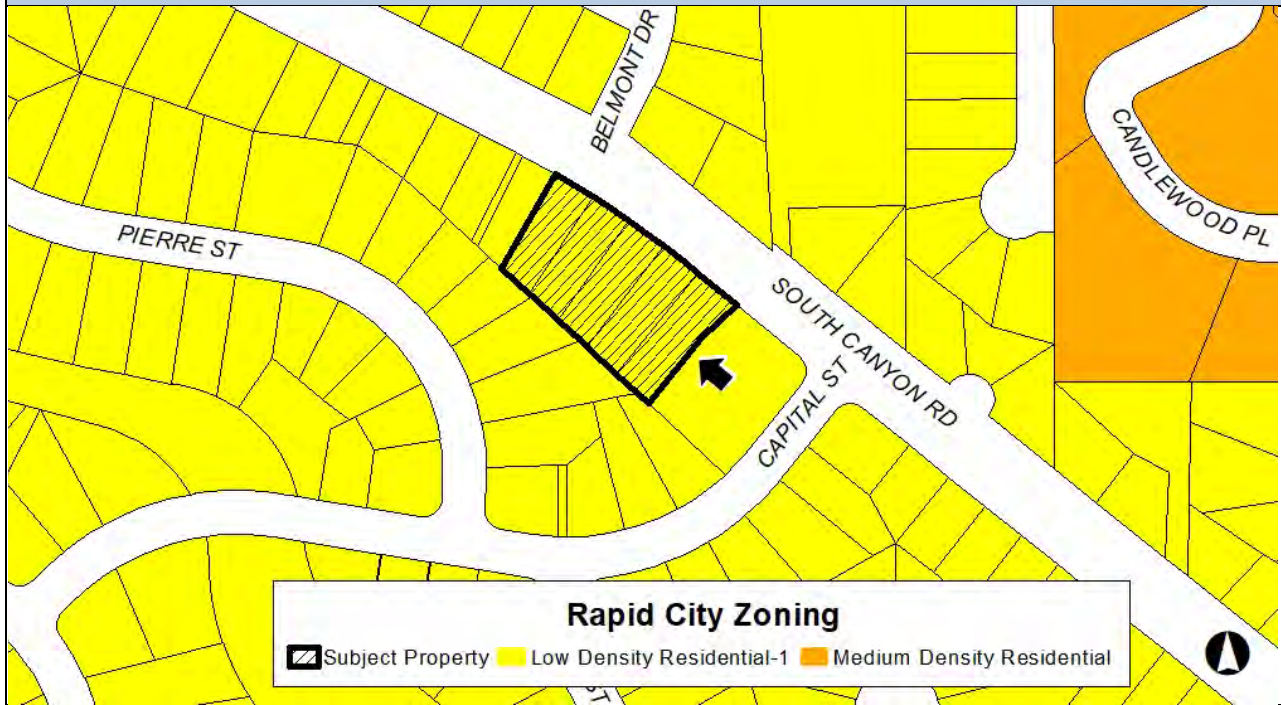
## Conditional Use Permit Project Report

September 10, 2020

<b>Item #5</b>
<b>Applicant Request(s)</b>
Case #20UR014 –Conditional Use Permit to allow a childcare center
Companion Case(s) #N/A
<b>Development Review Team Recommendation(s)</b>
Staff recommends approval of the Conditional Use Permit with the stipulation(s) noted below
<b>Project Summary Brief</b>
<p><b>(Update September 2, 2020. All revised and/or added text is shown in bold.) This item was continued from the August 6, 2020 Planning Commission meeting to allow the applicant to hold a neighborhood meeting and to explore noise, access, fencing, and playground locations. On August 26, 2020, the applicant held a neighborhood meeting and addressed concerns regarding noise, privacy, and traffic. The applicant is proposing to keep the play area in its current location, provide additional fencing along the side and rear drive aisle, and to sign and stripe the approaches to direct traffic. In particular, access will be limited to the northern approach with everyone exiting the property from the southern approach. The loading and unloading area is on the south side of the building away from the entrance to ensure the children’s safety. The City’s Traffic Engineer has also conducted a speed study on South Canyon Road from August 12 through August 25 and provided additional data from April 2020. The speed study found that average speed was between 35.1 and 36.5 mph and was typically faster in the westbound lane. The speed study indicates that traffic calming measures are not needed in this location. Staff recommends approval of the Conditional Use Permit to allow a childcare center with two additional stipulations of approval:</b></p> <ul style="list-style-type: none"> <li><b>• Upon submittal of a Building Permit, a site plan shall be submitted identifying signage and striping for the approaches, and</b></li> <li><b>• Upon submittal of a Building Permit, the site plan shall be revised to show a six-foot high screening fence along the drive aisle on the south and west sides of the property.</b></li> </ul> <p>The applicant has submitted a Conditional Use Permit to allow a childcare center located at 4703 South Canyon Road. The proposed childcare center will provide care for up to 125 children ages 2-13 years old with 12-15 employees. The hours of operation are Monday through Friday from 6:00 a.m. to 6:00 p.m. An outdoor play area is proposed on the east side of the building and will be accessed from the inside of the building. The outdoor play area will be enclosed with a minimum 52-inch high wood privacy fence.</p>

Applicant Information		Development Review Team Contacts	
Applicant: Ryan Zens		Planner: Fletcher Lacock	
Property Owner: SD Conference Association of 7 <sup>th</sup> Day Adventist		Engineer: Roger Olsen	
Architect: N/A		Fire District: Tim Behlings	
Engineer: N/A		School District: N/A	
Surveyor: N/A		Water/Sewer: Roger Olsen	
Other: Kennedy Design Group		DOT: Stacy Bartlett	
Subject Property Information			
Address/Location	4703 South Canyon Road		
Neighborhood	West Rapid Neighborhood Area		
Subdivision	Marcoe Heights #1		
Land Area	1.12 acres		
Existing Buildings	7,184 square foot		
Topography	Drops in elevation from north to south approximately 18 feet		
Access	South Canyon Road		
Water Provider	Rapid City		
Sewer Provider	Rapid City		
Electric/Gas Provider	Black Hills Power / MDU		
Floodplain	Southeast corner of lot is located within the Federally designated 500-year floodplain		
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Former church
Adjacent North	LDR	LDN	Single-family dwellings
Adjacent South	LDR	LDN	Single-family dwellings
Adjacent East	LDR	LDN	Single-family dwellings
Adjacent West	LDR	LDN	Single-family dwellings

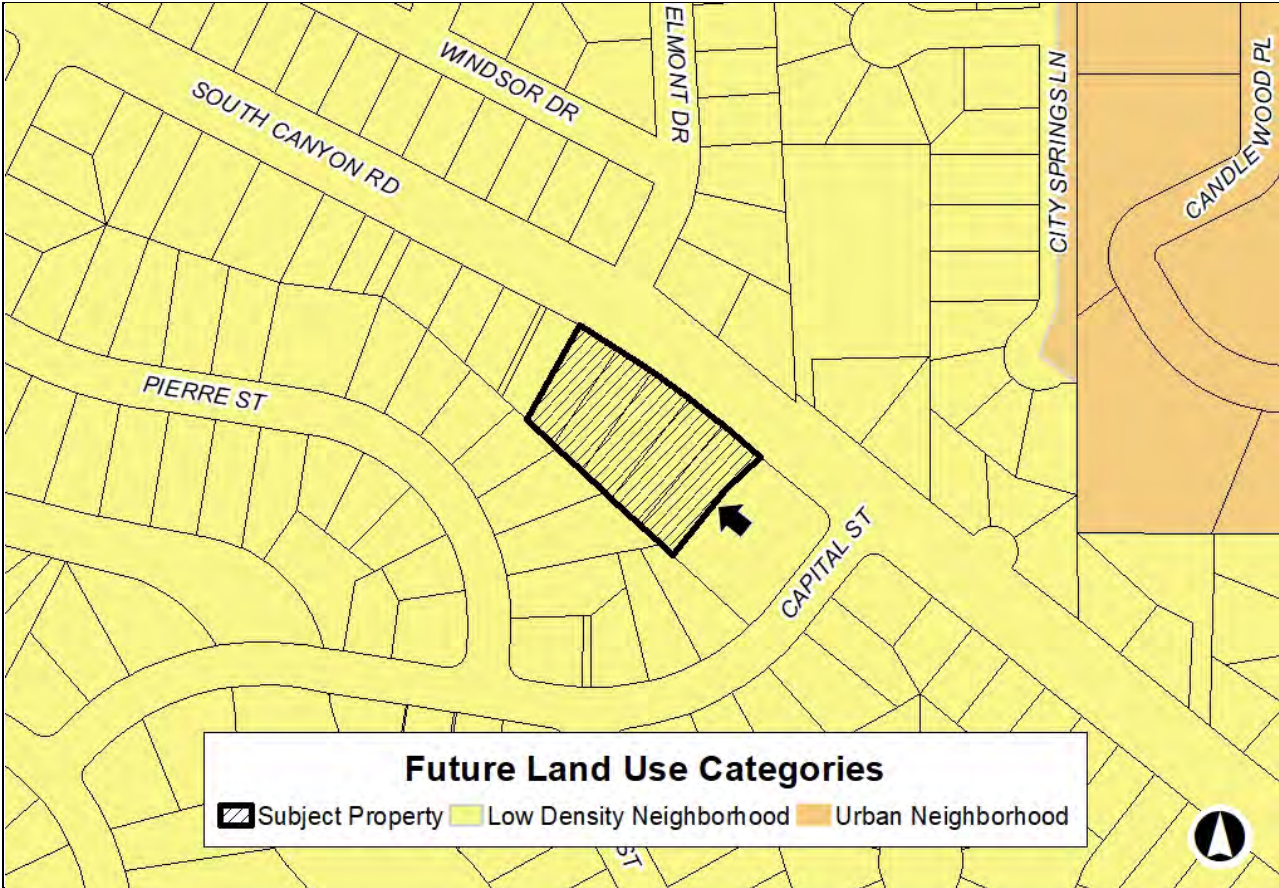
**Zoning Map**



**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			
Low Density Residential District	Required	Proposed	
Lot Area	30,000 square feet	48,787 square feet	
Lot Frontage	25 feet	310 feet	
Maximum Building Heights	2½ stories or 35 feet	Two-story	
Maximum Density	25%	14.7%	
Minimum Building Setback:			
• Front	35 feet	36 feet	
• Rear	25 feet	35 feet	
• Side	35 feet	94 feet and 68 feet	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	41,603	43,300	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	28	46	
• # of ADA spaces	2	4	
Signage	As per RCMC 17.50.100	32 square foot ground sign	
Fencing	As per RCMC 17.50.340	52-inch high fence around play area	

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:	4703 South Canyon Road is zoned Low Density Residential District and is developed with a church building.
2. The location, character and design of adjacent buildings:	Properties to the north, south, east and west are zoned Low Density Residential District and are developed with single-family dwellings.
3. Proposed fencing, screening and landscaping:	The site plan identifies that landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. The applicant is proposing to fence in a play area on the north side of the building approximately 3,037 square feet in size. The fence will be a wood privacy fence a minimum of 52-inches high. Chapter 17.50.150 of the Rapid City Municipal Code requires a 25-foot setback for a fenced-in play area. The proposed play area is in compliance with the setback requirement.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any new construction which would impact drainage.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	Vehicular access to the property is from South Canyon Road which is identified as a Principal Arterial Street on the City's Major Street Plan. The proposed childcare center will generate approximately 99 peak hour trips which is under the requirement for a Traffic Impact Study.  Staff has been contacted by a neighbor stating concern for the proposed play area and traffic / accidents on South Canyon Road. As noted above, the play area will be fenced and set back 25 feet from the front property line and 57 feet from the edge of the street. Access to the play area

	is from the interior of the building. The City's Traffic Engineer has reviewed the proposed childcare center and the history of traffic accidents on South Canyon Road indicating that the proposed play area exceeds the minimum clear zone requirement for a 35 mile-per-hour road.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed childcare center for 125 children does not exceed 100 peak hour trips and therefore does not require a Traffic Impact Study.
7. Proposed signs and lighting:	A ground sign measuring 32 square feet was previously approved. No electronic signage is being proposed or approved as a part of this Conditional Use Permit.
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 Low Density Residential 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 existing structure complies with all land area regulations for the Low Density Residential 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 outdoor play area will be separated from South Canyon Road by 57 feet and exceeds the minimum required 25-foot setback from the front property line.
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.

<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	Facility Coordination: The proposed child care center will provide a service in a residential corridor.
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	Major Street Plan Integration: South Canyon Road is identified as a Principal Arterial Street on the City's Major Street Plan. As noted above, a Traffic Impact Study is not required for 125 children. In addition, the outdoor play area exceeds

	the minimum clear zone requirement for a 35 mile-per-hour road.
	<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>	Low Density Neighborhood
<b>Design Standards:</b>	
N/A	The proposed childcare center is a conditional use in the Low Density Residential District.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	West Rapid Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
WR-NA1.1D	Mixed-Use Development: The childcare center will provide a service in a predominately residential area of the City.

<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 unique re-use of a former church building. The proposed play area along South Canyon Road meets the minimum setback requirement and exceeds the minimum clear zone requirement for a 35 mile-per-hour road. The childcare center provides a service in a predominately residential area of the City.	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
Staff recommends approval of the Conditional Use Permit with the following stipulation(s):	
1.	<b>Upon submittal of a Building Permit, a site plan shall be submitted identifying signage and striping for the approaches;</b>
2.	<b>Upon submittal of a Building Permit, the site plan shall be revised to show a six-foot high screening fence along the drive aisle on the south and west sides of the property;</b>
3.	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;
4.	The proposed childcare center shall operate in compliance with the 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,
5.	The Conditional Use Permit shall allow a childcare center for 125 children and 15 staff. Permitted uses within the Low Density Residential District in compliance with the

	Parking Ordinance shall be allowed with a Building Permit. Any expansion of the childcare center or new conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.
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## 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)	
<b>Case #20UR014</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.