



# Rapid City Planning Commission

## Conditional Use Permit Project Report

August 6, 2020

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| <b>Item #3</b>  |
| <b>Applicant Request(s)</b>                                       |
| Case #20UR014 –Conditional Use Permit to allow a childcare center |
| Companion Case(s) #N/A  |

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

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| <b>Project Summary Brief</b>  |
| <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> |

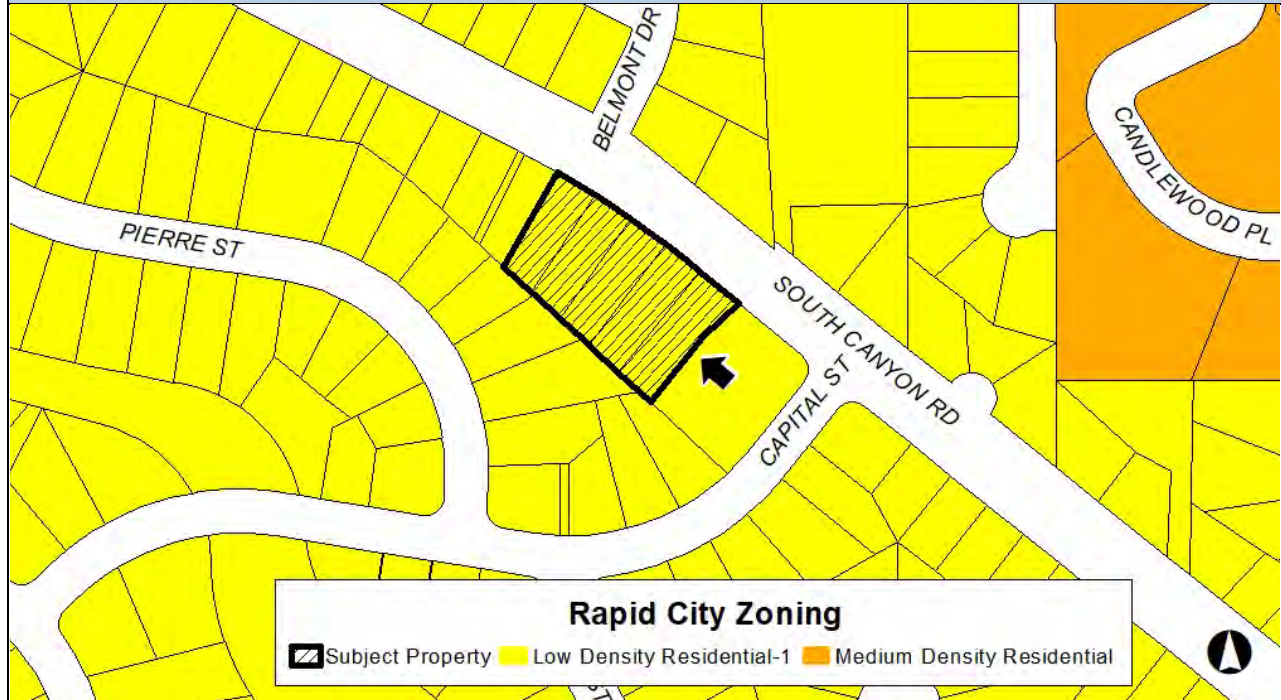
| Applicant Information  | Development Review Team Contacts |
|--|----------------------------------|
| Applicant: Ryan Zens   | Planner: Fletcher Lacock         |
| Property Owner: SD Conference Association of 7 <sup>th</sup> Day Adventist | Engineer: Roger Olsen            |
| Architect: N/A   | Fire 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 </td <td>LDN</td> <td>Single-family dwellings</td> | LDN                | Single-family dwellings |
| Adjacent East    | LDR  | LDN                | Single-family dwellings |
| Adjacent West    | LDR  | LDN                | Single-family dwellings |

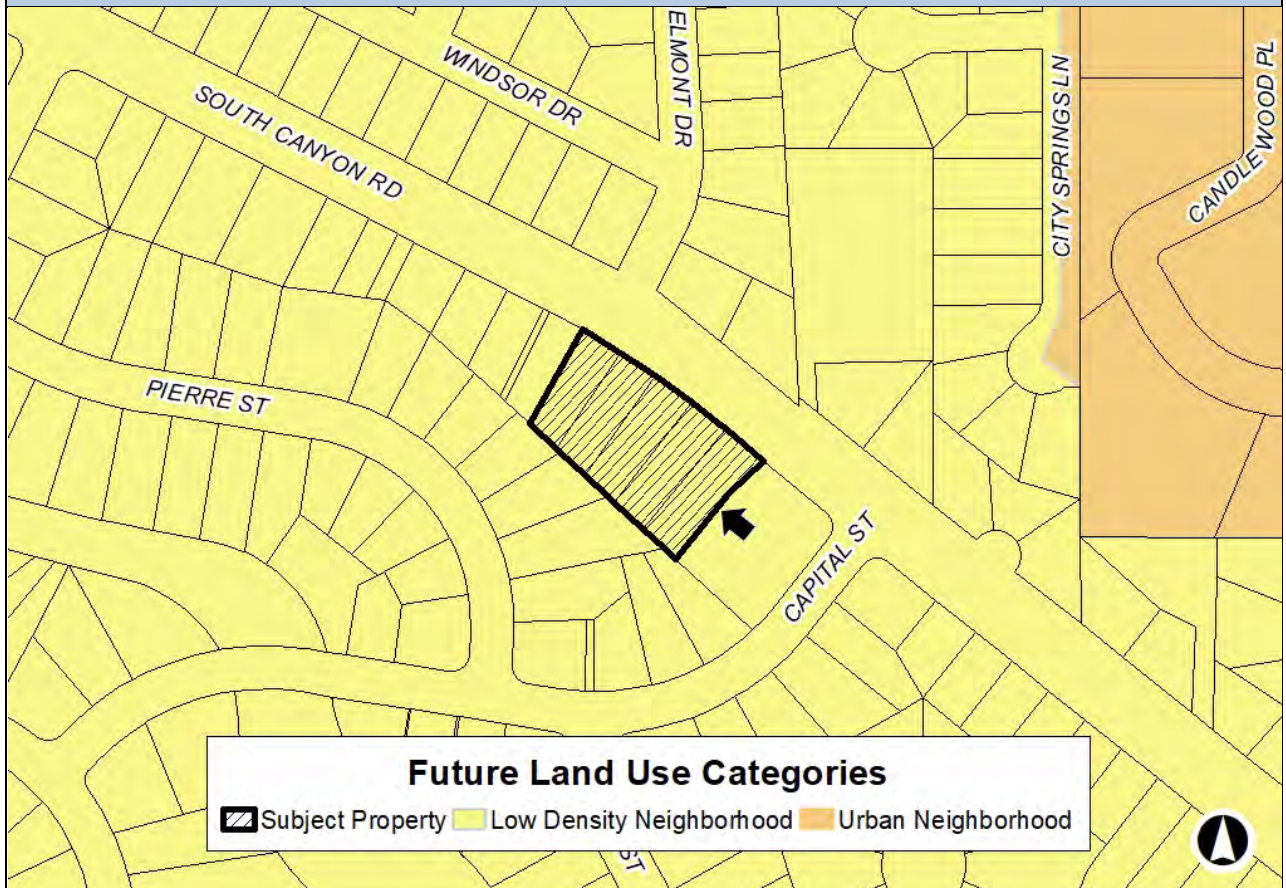
**Zoning Map**



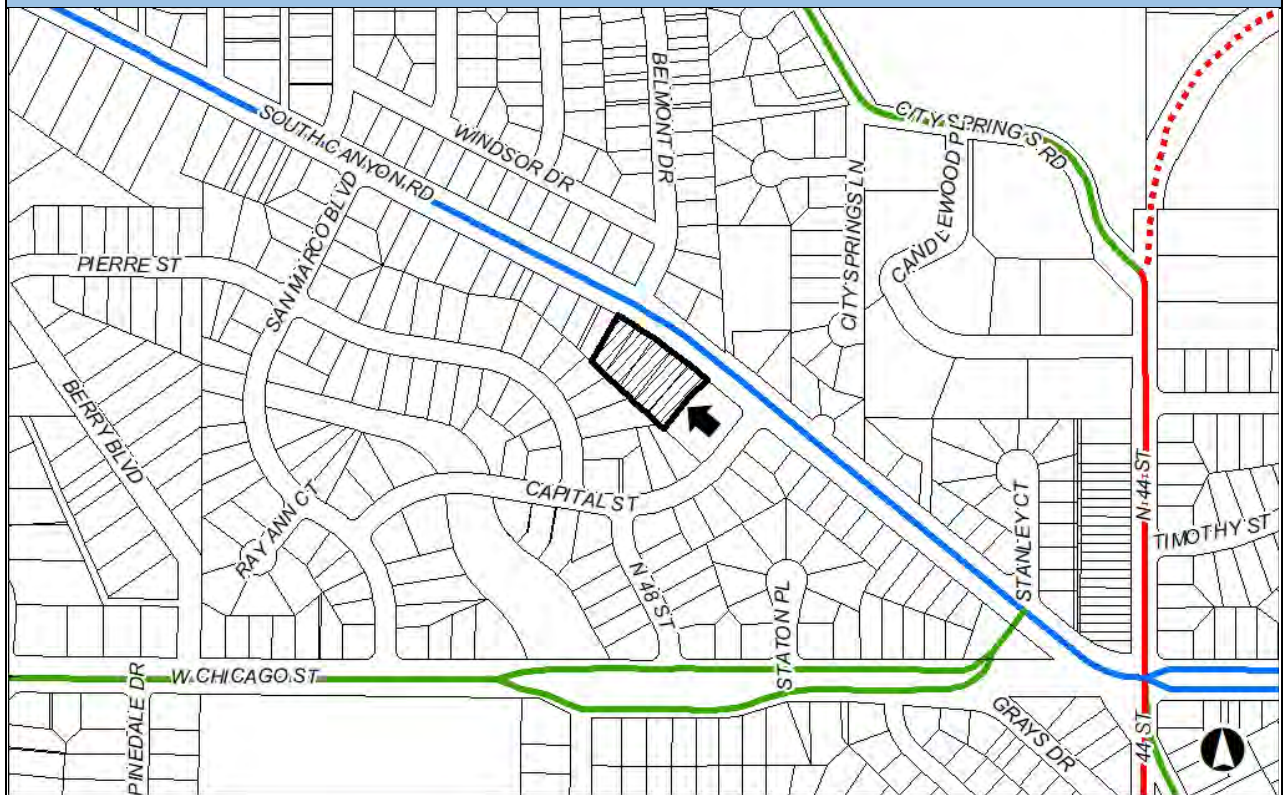
**Existing Land Uses**



### Comprehensive Plan Future Land Use



### Parks or Transportation Plan







### Major Street Plan




Subject Property Collector Minor arterial Principal arterial Proposed minor arterial

| 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<br>17.50.100 | 32 square foot ground sign          |        |
| Fencing                              | As per RCMC<br>17.50.340 | 52-inch high fence around play area |        |

| Planning Commission Criteria and Findings for Approval or Denial  |   |
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| <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.<br><br>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 |

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|   | 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 |

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|   | 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> |   |
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| <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.   | 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;  |
| 2.   | 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,  |
| 3.   | 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. |

# Rapid City Department of Community Development

## Development Review Advisories

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| <i>Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. <b>This is not a complete list.</b> All City, District, State, and Federal requirements must be continually met.</i> |   |
|  | <b>Applicant Request(s)</b>   |
| <b>Case #20UR014</b>   | Conditional Use Permit to allow a childcare center  |
| <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. |