



# Rapid City Planning Commission

## Planned Development Project Report

January 5, 2017

<b>Item 5</b>
<b>Applicant Request(s)</b>
Case # 16PD064, a Major Amendment to the Planned Development to allow a child care center Companion Case(s) #: N/A

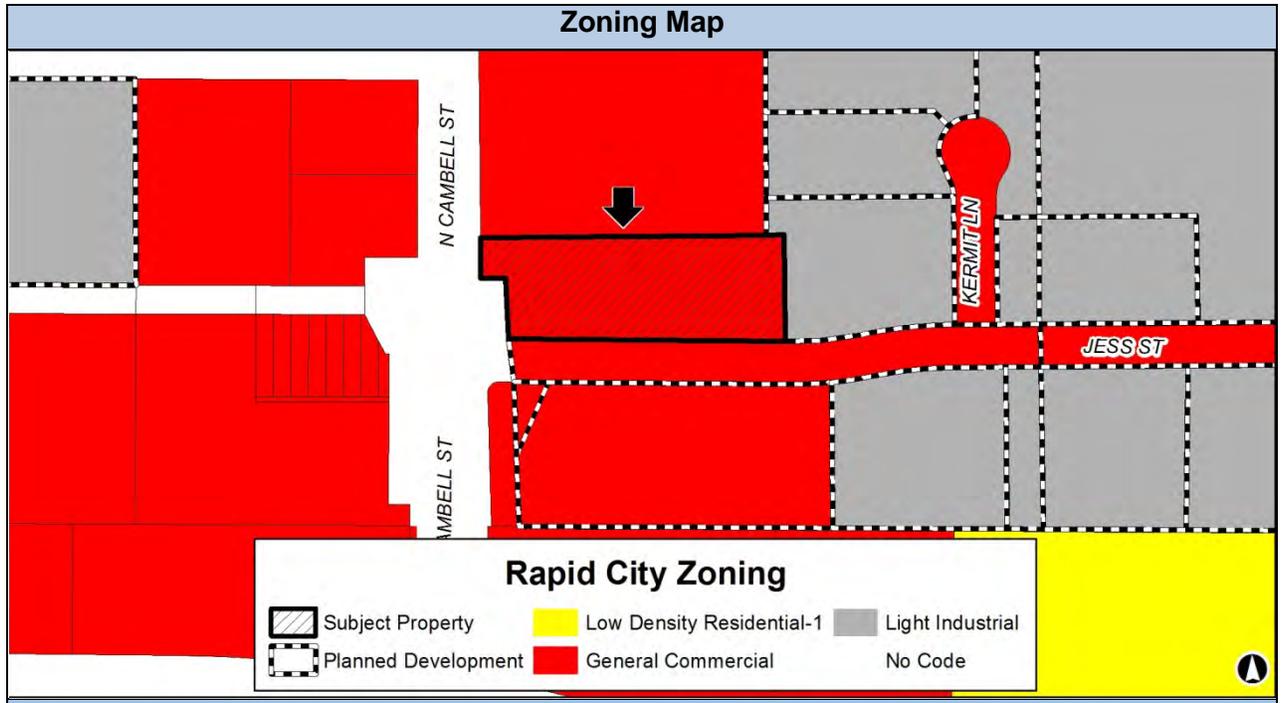
<b>Development Review Team Recommendation(s)</b>
The Development Review Team recommends that the requested Major Amendment to the Planned Development to allow a child care center be approved with the stipulations noted below.

<b>Project Summary Brief</b>
The applicant has submitted a request for a Major Amendment to the Planned Development to allow a child care center as a conditional use on approximately 1.38 acres of property zoned General Commercial District. The proposed child care center, known as a Little Owls Preschool and Daycare, will emphasize care and programming for special needs children and work closely with the Children's Therapy Services clinic located in the same commercial center. The child care center will have a maximum capacity of 60 children plus staff, operating Monday through Friday from 7:30 am to 6:00 pm and will be located within one 3,500 square foot suite. No exceptions are being requested as a part of this Major Amendment to the Planned Development.

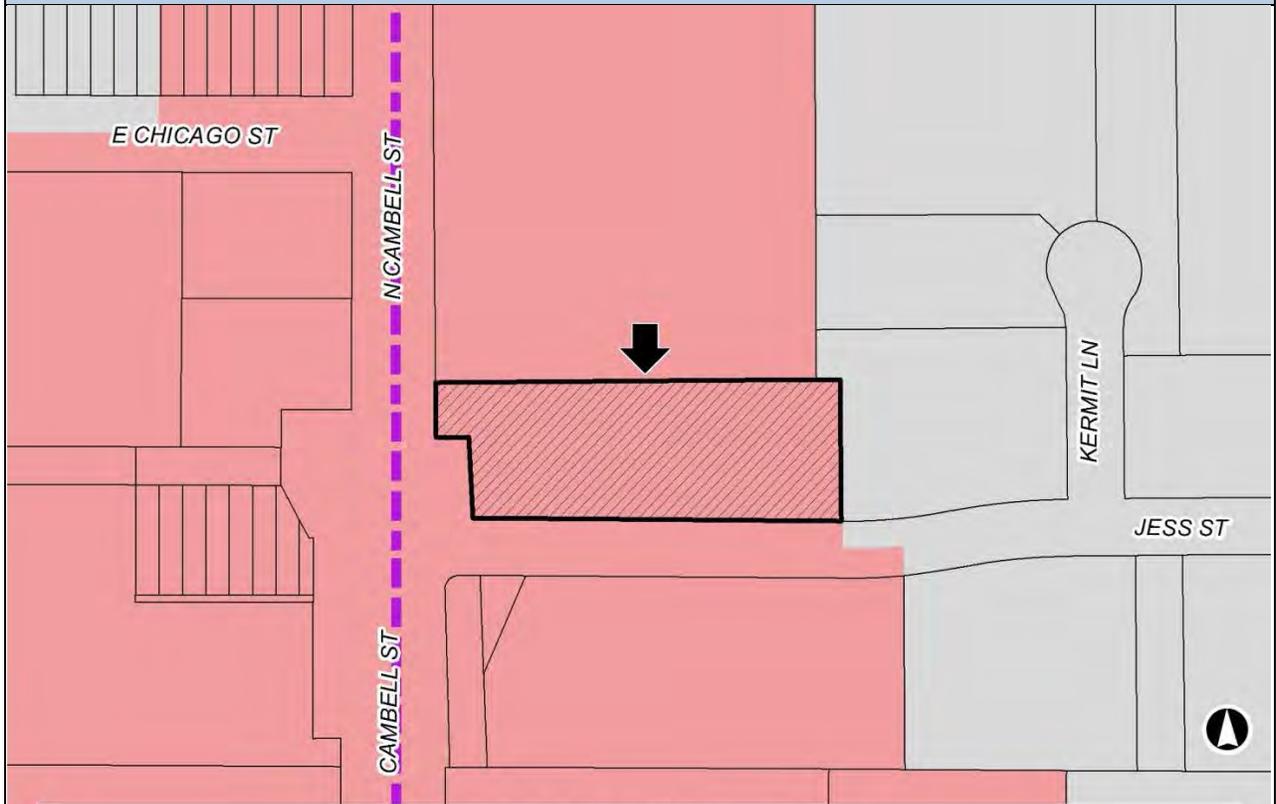
<b>Development Review Team Contacts</b>	
Applicant: Justin Casey	Planner: Robert Laroco
Property Owner: Rush Investments, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other:	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	110 North Cambell Street, northeast of the intersection of Jess Street and Cambell Street
Neighborhood	Elk Vale Road Neighborhood
Subdivision	DDE Subdivision
Land Area	1.38 acres, approximately 60,113 sq ft
Existing Buildings	Existing commercial strip mall
Topography	Level
Access	Jess Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC/PD	Mixed Use Commercial, Revitalization Corridor	Existing commercial strip mall
Adjacent North	GC	Mixed Use Commercial, Revitalization Corridor	RV sales and service
Adjacent South	GC/PD	Mixed Use Commercial, Revitalization Corridor	Car dealership
Adjacent East	LI/PD	Light Industrial	Powersports sales and service
Adjacent West	GC	Mixed Use Commercial, Revitalization Corridor	Automobile sales and service



### Comprehensive Plan Future Land Use



### Future Land Use Categories

- Subject Property
- Mixed Use Commercial
- Light Industrial
- Revitalization Corridor

### Parks or Transportation Plan



### Major Street Plan

- Subject Property
- Minor arterial
- Principal arterial
- Proposed collector
- Proposed minor arterial

<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
11PD019	5/26/2011	Major Amendment to the Planned Development	Planning Commission approved with stipulations
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>		<b>Required</b>	<b>Proposed/Existing</b>
Lot Area		No minimum required	1.38 acres, approximately 60,113 sq ft
Lot Frontage		No minimum required	Approximately 575 ft
Maximum Building Heights		4 stories, 45 feet	1 story <45 ft
Maximum Density		Maximum 75%	17.46%
Minimum Building Setback:			
• Front		25 ft to Jess St.	65 ft to Jess St.
• Rear		0 ft to north lot line	13 ft to north lot line
• Side		25 ft to east lot line	187 to east lot line
• Street Side		25 ft to Cambell Street	49 ft to Cambell St.
Minimum Landscape Requirements:			
• # of landscape points		49,613 points required	Unknown
• # of landscape islands		1 required	0 provided
Minimum Parking Requirements:			
• # of parking spaces		41 spaces required	78 spaces provided
• # of ADA spaces		2 ADA/ 1 van accessible	4 ADA/ 2 van accessible
Signage		Per RCMC	Per RCMC, no LED signage proposed
Fencing		Per RCMC	5-ft-tall combination screening fence/chain link fence for outdoor play area

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.50.050.F.5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Planned Development:</b>	
	<b>Findings</b>
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	The subject property is developed with an existing commercial retail/services strip mall. There are no conditions on the property due to its size, shape, or topography.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	The property was previously developed through the Planned Development. A child care center is a conditional use in the City of Rapid City. As such, the applicant has submitted this Major Amendment to the Planned Development in order to allow a child care center to be located on the property. No exceptions are being requested as a part of this Major Amendment. The application of Zoning Ordinance to this property does not create a practical difficulty or undue hardship.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;	The applicant has not requested any exceptions to the Zoning Ordinance as a part of this request.
4. A literal interpretation of this chapter would deprive the	A child care center is a conditional use in the City of Rapid City, requiring the review and approval of the

<p>applicant of rights that others in the same district are allowed;</p>	<p>Planning Commission. The property is located within a previously approved Planned Development and, as such, the applicant has submitted this Major Amendment to the Planned Development to allow for the review and approval of the request by the Planning Commission. A literal interpretation of the Zoning Ordinance does not deprive the applicant of rights that others in the same district are allowed.</p>
<p>5. Any adverse impacts will be reasonably mitigated;</p>	<p>Submitted plans show that the applicant is proposing an outdoor play area located adjacent to the eastern side of the existing structure. The proposed play area is located east of the building. In order to ensure safety of the play area, staff recommends that a vertical curb face and landscaping be installed around the proposed play area to provide separation between the parking lot and children playing outside. In addition, staff recommends that a 6-foot-tall, opaque screening fence be provided around the play area to provide a buffer from noise and light generated from the parking lot and neighboring Jess Street as well as from the neighboring commercial RV sales located north of the property. The existing structure will provide adequate screening from Cambell Street, located on the west side of the property.</p> <p>Submitted plans show that portions of the play area will be comprised of a wood chip mulch or pea gravel, while other portions will retain the asphalt surfacing of the parking lot. The applicant has noted that due to the unique operation of the facility, many of the clients for the center will be wheelchair-bound or may have mobility and/or coordination issues which make asphalt surfacing preferable for treatment, rehabilitation, training and play for students. The applicant has indicated that raised garden beds and other container gardens will be utilized to provide some green space for students, and shade umbrellas will be included in the play area as well.</p> <p>Submitted plans show that a total of 41 parking spaces are required for the existing and proposed uses on the property. The proposed parking lot shows that a total of 78 parking spaces. However, submitted plans do not show the location of a loading and unloading zone for the proposed child care center. Prior to issuance of a building permit, plans must be revised to show the location and signage for the required loading and unloading zone for the child care center.</p> <p>During review of this request, staff noted that the submitted site plans shows existing landscaping located along the northern and western property lines. Ariel views of the property from 2015 indicate that the noted landscaping is missing on the property today. Prior to issuance of a building permit, all required landscaping must be installed on the property as originally approved, or a new landscaping plan in compliance with the requirements of the Rapid City Municipal Code must be submitted for review and approval. The applicant should note that landscaping may be bonded for during winter</p>

	<p>months when installation of landscaping is not possible.</p> <p>During review of the application, the Rapid City Fire Department has noted that while a fire sprinkler protection system has been installed on the property, the system has not been connected to the City water supply. Prior to issuance of a certificate of completion or initiation of use, the required fire sprinkler protection system must be installed and operational in compliance with the requirements of the International Fire Code.</p>
<p>6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.</p>	<p>As previously noted, no Exceptions have been requested as a part of this Major Amendment. While the proposed layout of the existing structure and proposed play area comply with the requirements of the Rapid City Municipal Code, staff has noted that additional precaution should be taken to ensure that the play area is separated from the parking and circulation area of the site and that the play area is buffered from surrounding uses. With the recommended revisions to the proposed fencing and separation of the play area from the parking lot, it appears that the proposed child care center is an alternative and innovative service which fulfills a critical need in the community and achieves the intent of the Zoning Ordinance.</p>
<p><b>In reviewing a request for a conditional use for a child care center, the Council may in addition to the criteria included in Rapid City Municipal Code Section 17.54.030.E, consider the following:</b></p>	
<p>1. Proximity to major arterials:</p>	<p>Cambell Street identified as a Principal Arterial Street on the City's Major Street Plan. However, the outdoor play area is located 200 feet from Cambell Street and the primary structure on site is located between the play area and Cambell Street. Proximity to Cambell Street does not appear to negatively impact the proposed child care center.</p>
<p>2. Proximity to recreation facilities:</p>	<p>There are no recreation facilities located within 500 feet of the proposed child care center.</p>
<p>3. Traffic generated by the center:</p>	<p>Transportation Planning staff has noted that the proposed child care center does not generate enough traffic to trigger a Traffic Impact Study.</p>
<p>4. Hours of operation:</p>	<p>The submitted operations plan notes that the facility will operate Monday through Friday, 7:30 am to 6:00 pm.</p>
<p>5. Existing or potential levels of air and noise pollution:</p>	<p>The intersection of Cambell Street and S.D. Highway 44, two identified Principal Arterial Streets on the City's Major Street Plan, are located 600 feet to the south of the property. In addition, the property is located in an area transitioning from commercial uses to industrial use. Based on the high levels of traffic generated by the uses in the area, the Principal Arterial Streets located in close vicinity to the property, and the high intensity uses typical in the General Commercial and Light Industrial uses, existing levels of air and noise pollution could have an impact on the proposed child care center. As such, staff is recommending that an opaque screening fence and landscaping be provided as proposed to mitigate these nuisances.</p>
<p>6. Access from the center to adjacent areas used for commercial or industrial</p>	<p>The subject property is immediately adjacent to commercial retail and light industrial development.</p>

purposes:	
7. Appropriateness of outdoor play areas	The proposed outdoor play area is adjacent to the existing building and will take access directly from the interior of the structure. However, the proposed play area is located within the existing parking lot. While the applicant has noted their intent to provide a safe ground cover for the play area, no greenspace, turfed lawn, or shade trees are being provided for the play area. The addition of landscaping to buffer the proposed play area from the surrounding parking lot, provide shade, and provide green space for children helps to create an appropriate outdoor play area for the proposed child care center.
8. Type of vehicular traffic common to the area:	Jess Street is designed as a commercial street which terminates approximately 800 ft east of the subject property. Property east of the subject property is developed with a mix of commercial and light industrial uses and is not anticipated to generate excessive commercial traffic.

**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**

	<b>A Balanced Pattern of Growth</b>
BPG-1.2C	<u>Priority Revitalization Corridors:</u> East Omaha Street near the intersection with Cambell Street is an identified Revitalization Corridor. The proposed redevelopment of the site may spur additional reinvestment in the area.
	<b>A Vibrant, Livable Community</b>
LC-1.1E	<u>Context Sensitive Design:</u> Any child care center in the City of Rapid City is required to provide minimum square footages of indoor and outdoor play area which can provide a safe, healthy environment for outdoor recreation. The proposed outdoor play area does not include any permanent green space and is bordered on two sides by a parking lot and one side by a commercial RV sales business. Typically, a child care center would be considered an inappropriate use located in close proximity to general commercial and light industrial development. However, the applicant has indicated that the outdoor play area will be separated from adjacent uses through the use of a screening fence, landscaping, and vertical curb face which will help to create a separation between the uses. Based on the unique operation of the facility, it appears that the use is appropriate for the property if the proposed outdoor play area is separated from adjacent parking and uses through curbing and fencing, and if the required landscaping is installed in compliance with Rapid City Municipal Code.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
SHIS-3.3A	<u>Facility Coordination:</u> The proposed child care center will provide a critical service in an area which needs additional child care services. The property is in close proximity to two RapidRide routes and two Principal Arterial Streets as identified on the City's Major Street Plan.

 <b>Efficient Transportation and Infrastructure Systems</b>	
N/A	N/A
 <b>Economic Stability and Growth</b>	
EC-1.3A	<u>Local Business Support:</u> Child Therapy Services is a local, Rapid City business which has been operating in the area for a number of years. Little Owl Preschool is an expansion of the services provided through Child Therapy Services.
 <b>Outstanding Recreational and Cultural Opportunities</b>	
N/A	N/A
 <b>Responsive, Accessible, and Effective Governance</b>	
GOV-2.1A	<u>Public Input Opportunities:</u> The Final Planned Development requires notification of surrounding property owners within 250 feet and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there have been 26 letters submitted to Community Planning and Development Services in support of the proposed child care center.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Mixed Use Commercial
<b>Design Standards:</b>	
GDP-MU9	<u>Adaptive Reuse:</u> The proposed Major Amendment will allow reuse of an existing building located on a challenging site which might otherwise remain vacant. The Planned Development will allow for flexibility with the review criteria of a child care center, as well as parking and landscaping requirements, which may contribute to the revitalization of the neighborhood.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Elk Vale Road Neighborhood
<b>Neighborhood Goal/Policy:</b>	
EV-NA1.1C	<u>Mixed-Use Development:</u> The redevelopment of property in close proximity to the Cambell Street Corridor and the S.D. Highway 44/East Omaha Street Corridor is an identified objective of the Elk Vale Neighborhood.

<b>The Development Review Team <u>notes the following findings with regards to the requested Major Amendment to the Planned Development</u> <del>Recommends that the request for a Major Amendment to the Planned Development be approved for the following reasons:</del></b>	
•	The applicant has proposed a child care center with a maximum of 60 children to be located within one 3,500 square foot suite in the existing strip mall. All minimum setback, open space, and parking requirements are being met as a part of this request.
•	The proposed outdoor play area must be separated from the surrounding parking by a vertical curb face and landscaping. A 6-foot-tall opaque screening fence must be provided around the north, east, and south boundaries of the play area.
•	The proposed child care center will provide a critical service in an area which needs more child care services. Based on the unique operation of this facility, the location appears to be appropriate for the proposed use if the outdoor play area is design appropriately and separated from surrounding uses and if all required landscaping is

	installed and maintained as necessary.
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**The Development Review Team recommends that the requested Major Amendment to the Planned Development be approved with the following stipulations:**

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Prior to issuance of a building permit, revised plans shall be submitted showing that the outdoor play area will be enclosed with a 6-foot-tall, opaque screening fence. In addition, plans shall show that a vertical curb face and landscaping are being provided between the outdoor play area and the adjacent parking lot;                                                                                                                                                                                                                                                                                                       |
| 2. | Prior to issuance of a certificate of completion or initiation of the use, a fire sprinkler protection system shall be installed, connected, and approved by the Rapid City Fire Department. All requirements of the International Fire Code shall be continually maintained;                                                                                                                                                                                                                                                                                                                                                         |
| 3. | All required landscaping shall be installed per the originally approved landscaping plan within six months of the approval of this Major Amendment to the Planned Development. Landscaping not installed in compliance with the Rapid City Municipal Code may be bonded for. If changes to the approved landscaping are proposed, a new landscaping plan in compliance with the requirements of the Rapid City Municipal Code may be submitted for review and approval. All landscaping shall be installed and maintained as required by the Rapid City Municipal Code;                                                               |
| 4. | The proposed child care 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 Planned Development;                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. | 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 Planned Development. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;                                                                                                                                                                                                                                                                                                      |
| 6. | This Major Amendment to the Planned Development shall allow for the operation of a child care center on the property. All requirements of the General Commercial District and all requirements for a child care center shall be continually maintained unless specifically stipulated as a part of a future Major Amendment to the Planned Development. All uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. |



## 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 #16PD064</b>	A Major Amendment to the Planned Development to allow a child care 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 completion shall be obtained prior to initiation of the use;
2.	An air quality permit shall be obtained for disturbances of earth greater than one acre;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All requirements of the International Fire Code shall be met;
5.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
6.	All erosion and sediment control measures shall be installed and continually maintained as necessary;
7.	ADA accessibility shall be maintained throughout the site as necessary;
8.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance;
9.	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.