

STAFF REPORT  
August 21, 2014

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**No. 14OA007 - An Ordinance to Amend Rapid City Municipal Code Chapter 17.22.030 (D) to allow child care centers as a Conditional Use in a Light Industrial District without being associated with another permitted principal use**

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**ITEM 5**

GENERAL INFORMATION:

APPLICANT	David Miller - Youth & Family Services, Inc.
REQUEST	<b>No. 14OA007 - An Ordinance to Amend Rapid City Municipal Code Chapter 17.22.030 (D) to allow child care centers as a Conditional Use in a Light Industrial District without being associated with another permitted principal use</b>
DATE OF APPLICATION	July 25, 2014
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the an Ordinance to Amend Rapid City Municipal Code Chapter 17.22.030 (D) to allow child care centers as a Conditional Use in a Light Industrial District without being associated with another permitted principal use be approved.

GENERAL COMMENTS: The applicant has submitted a request to amend the Rapid City Municipal Code to allow Child Care Centers as a conditional use in the Light Industrial District. Currently, Chapter 17.22.030 of the Rapid City Municipal Code allow a Child Care Center as a conditional use in the Light Industrial District if it is included, incidental to, or associated with a permitted principal use located in close proximity to the proposed child care center site. The applicant intends to submit an application to allow a Child Care Center as a conditional use on property currently zoned Light Industrial District but they do not intend for the use of the facility to be limited to parents who work in the surrounding industrial development. The applicant has also noted that rezoning the property to a district which would permit a child care center is not feasible given the location of the property and surrounding zoning. As such, the applicant has requested the Amendment to the Ordinance to allow a child care center as a conditional use in the Light Industrial District without requiring that the use be associated with a primary permitted use in the district.

STAFF REVIEW: Staff has reviewed the requested Ordinance Amendment and has noted the following considerations:

Appropriate Land Use: During review of the proposed amendment, staff noted that many of the same uses permitted in the General Commercial District are also permitted uses in the Light Industrial District. Given appropriate guidelines, the design and operation of a child care center in the Light Industrial District can be as equally safe and environmentally appropriate as a child care center located with the General Commercial District. Review and approval of a child care center as a conditional use in the Light Industrial District will ensure that a thorough review of the design and operation of a child care center is being provided. Please note that a child care center is a conditional use in other zoning districts in the City of Rapid City.

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Conditional Use Permit requirements: Chapter 17.54.030 of the Rapid City Municipal Code sets forth the factors for consideration when reviewing a Conditional Use Permit in the City. Allowing a child care center as a conditional use in the Light Industrial District will require, that the use be designed and operated in compliance with Chapter 17.54.030 of the Rapid City Municipal Code.

Existing Requirements for a Child Care Center: Chapter 17.50.150 of the Rapid City Municipal Code details the requirements of a child care center in the City of Rapid City. Factors for consideration include:

- Proximity to major arterials;
- Proximity to recreation facilities;
- Traffic generated by the center;
- Hours of operation of the center;
- Maximum number of children as appropriate to the area;
- Existing or potential levels of air and noise pollution in the area;
- Access to the facility from adjacent areas;
- Indoor and outdoor play areas provided;
- Traffic patterns;
- Indoor and outdoor play areas;
- Parking, including a loading/unloading zone;
- Continuing compliance with the Child Care Center regulations, and;
- Continuing compliance with the Conditional Use Permit regulations.

There are many properties currently zoned Light Industrial District that meet the development standards for a child care center.

State Licensing Requirements: Staff has noted that all child care centers in the state of South Dakota, regardless of the underlying zoning, are required to meet minimum licensing standards regulated through the South Dakota Department of Social Services. These requirements, in conjunction with existing standards for the review of a child care center in the City of Rapid City, provide sufficient review for design standards and operation of a child care center.

Summary: A Child Care Center may be considered an appropriate use in the Light Industrial District if reviewed as a conditional use in the Light Industrial District. Compliance with Chapter 17.50.150 of the Rapid City Municipal Code regarding Child Care Centers, Chapter 17.54.030 of the Rapid City Municipal Code regarding Conditional Use Permits, and the requirements of the South Dakota Department of Social Services will ensure that the design and operation of child care centers within the Light Industrial District will meet the existing requirements for child care centers in other districts within the City. As such, staff recommends that the Ordinance amending Chapter 17.22.030(D) of the Rapid City Municipal Code to allow child care centers as a conditional use in the Light Industrial District be approved.