

STAFF REPORT  
April 5, 2012

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**No. 12UR010 - Conditional Use Permit to allow a Kennel**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT	Richard and Laurie Gaudette
AGENT	James Taylor for Morton Buildings
PROPERTY OWNER	Pro Machine
REQUEST	<b>No. 12UR010 - Conditional Use Permit to allow a Kennel</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Hiway #79 Industrial Park located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .46 acres
LOCATION	1317 East Fairmont Boulevard
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	3/9/2012
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a kennel be approved with the following stipulations:

1. Prior to approval by Planning Commission, revised plans shall be submitted for review and approval showing the scale and dimensions on the site plan, including access, parking, all structures, and the size of the lot. In addition, plans shall show the designated location for waste storage and collection. If waste collection requires access to the off-street parking area, plans shall be revised to demonstrate that movement of the collection truck on the property will not interfere with proposed off-street parking spaces;
2. Prior to approval by Planning Commission, a drainage report shall be submitted for review and approval showing drainage is being adequately addressed;
3. Prior to approval by Planning Commission, revised plans shall be submitted showing the proposed play area fence is located outside of all drainage/utility easements, or the

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- required drainage report shall show the drainage/utility easements are not being utilized for drainage on the site;
4. A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site.
  5. Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes shall be made to the construction plans as identified on the redlined drawings. All redlined drawings shall be returned to Community Planning and Development Services and signed and sealed final construction plans shall be submitted for review and approval;
  6. A minimum of 11 parking spaces shall be provided for the site. One of the proposed parking spaces shall be "van" handicap accessible. All parking shall comply with Chapter 17.50.270 of the Rapid City Municipal Code;
  7. A minimum of 17,930 points of landscaping shall be provided. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan shall be considered as a Minimal Amendment to the Planned Residential Development. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary in compliance with the City's adopted landscaping ordinance;
  8. The proposed six foot tall fence shall be constructed from chain link and opaque vinyl fencing as shown in the submitted plans. Relocation or replacement of the fence shall be at the property owner's expense. All fences shall be maintained in good condition;
  9. All lighting shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/or streets;
  10. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Conditional Use Permit. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code may be allowed as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage will be considered as a Major Amendment to the Conditional Use Permit. In addition, the Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s);
  11. Prior to issuance of a Certificate of Occupancy, all requirements of Rapid City Municipal Code Chapter 6.08.050, which addresses the requirements for the operation of an animal kennel, must be met;
  12. This Conditional Use Permit shall allow for the construction of an animal kennel with landscaping, parking and a fenced play area to be operated as a "doggie day care" for a maximum of ten dogs. The facility shall be operated between 7:00 am and 6:00 pm, Monday through Friday. Other uses permitted in a Light Industrial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a Light Industrial District shall require a Major Amendment to the Conditional Use Permit; and,
  13. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major

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Amendment.

GENERAL COMMENTS: The applicant has submitted a request for a Conditional Use Permit to allow an animal kennel in a Light Industrial District. In particular, the applicant is requesting to construct a “doggie day care” facility on approximately 0.46 acres of land. The kennel will be operated in a single structure to be constructed on the site with parking, landscaping, and a fenced in play area. An animal kennel is a conditional use in a Light Industrial District.

The property is located at 1317 East Fairmount Boulevard, approximately 350 feet west of the intersection of East Fairmont Boulevard and Cambell Street. The property is void of structural development.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit to allow a kennel in a Light Industrial District and has noted the following considerations:

Use: A “doggie day care” is considered an animal kennel. The applicant is proposing to run a facility caring for a maximum of ten dogs during the day. The facility will be owned and operated by a registered Veterinary Technician. Animals will be required to pass a temperament test, be spayed or neutered, and be vaccinated as requirements of membership. The facility will be operated between the hours of 7:00 am and 6:00 pm, Monday through Friday. An animal kennel is a conditional use in a Light Industrial District. As such, the applicant has submitted this request to allow an animal kennel in a Light Industrial District.

Redline Comments: Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes must be made to the construction plans as identified on the redline drawings. All redlined drawings must be returned and signed and sealed final construction plans must be submitted for review and approval.

Building Permits/Certificate of Occupancy: A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site.

Site Plan: The submitted plans include a scale, but do not include dimensions of the site, off-street parking, building dimension, or play area dimension. As such, prior to approval by Planning Commission, revised plans must be submitted to Community Planning and Development Services for review and approval showing the dimensions of the proposed development.

Drainage/Easements: The submitted plans show that portions of the lot will be enclosed with a 6 foot tall chain link fence in order to provide a play area for the animals. However, it appears that portions of the proposed fence are currently located in an 8 foot wide drainage and utility easement located on both of the side lot lines. To date, a drainage plan has not been submitted to Community Planning and Development Services. As such, a determination of drainage for the site cannot be made. Prior to Planning Commission approval, a drainage report must be submitted for review and approval showing drainage is being adequately addressed.

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The City Engineer has determined that fences that do not require a Building Permit do not require authorization from the City Engineer if they are located in an easement, provided that the easements are not being used for drainage on the site. Fences 6 feet tall or less do not require a Building Permit. The proposed property line fence may be located within the easements provided the easements are not being utilized for drainage. Prior to approval by Planning Commission, revised plans must be submitted to Community Planning and Development Services for review and approval showing the proposed fence is located outside of the drainage/utility easement, or a drainage plan must be submitted showing the drainage/utility easements are not being used as drainage on the site.

Fencing: The submitted plans show that a six foot tall fence constructed of chain link and opaque vinyl fencing will enclose approximately 6,500 square feet of outdoor play area on the rear of the property. As noted previously, portions of the proposed fence are located in an 8 foot wide drainage/ utility easement located along both of the side lot lines. Relocation of the fence outside of the easements is not required if the easements are not used for drainage of the site. Replacement or relocation of the fence will be at the property owner's expense. All fences must be maintained in good condition.

Parking/Circulation: The Rapid City parking ordinance requires that a minimum of 11 parking spaces be provided for the proposed kennel. The applicant is proposing 11 off-street parking spaces. One of the provided spaces will be "van" handicap accessible. It appears that the required off-street parking spaces are being provided. However, if the waste management on the site requires backing into a parking space for the collection of waste from the site, the parking may become non-compliant. In addition, the submitted plans do not show that a trash collection truck can adequately maneuver on the site. As such, prior to approval by Planning Commission, revised plans must be submitted to Community Planning for review and approval showing that the trash collection on the site will not interfere with the proposed off-street parking.

Landscaping: A minimum of 16,954 points of landscaping are required. The submitted plans show that the property will be landscaped with a minimum of 17,930 points. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan may be considered as a Minimal Amendment to the Planned Residential Development. All landscaping must be continually maintained in a live vegetative state and replaced as necessary in compliance with the City's adopted landscaping ordinance.

Lighting: The applicant's site plan identifies all outdoor lot lighting for the property. Rapid City Municipal Code Chapter 17.50.310 requires that lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/or streets.

Signage: The applicant has proposed to install signage; however, to date the applicant has not submitted a sign package as a part of this application. The applicant should be aware that if signage is going to be included as a part of the proposed lot, a sign package must be submitted to Community Planning and Development Services for review and approval. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed

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with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Conditional Use Permit. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code may be allowed as a Minimal Amendment to the Conditional Use Permit. No electronic signage is being approved as a part of this Conditional Use Permit. The addition of electronic signage will be considered as a Major Amendment to the Conditional Use Permit. In addition, the Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s).

Licensing: Chapter 6.08.050 of the Rapid City Municipal Code addresses the requirements for the operation of an animal kennel. Prior to issuance of a Certificate of Occupancy, all requirements of Rapid City Municipal Code Chapter 6.08.050 must be met.

Notification Requirements: The required sign has been posted on the property. The white receipts of the required certified mailing have been returned to Community Planning and Development Services. The green cards have not been returned. Staff will inform the Planning Commission at the April 5, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this Conditional Use Permit.