

STAFF REPORT  
August 7, 2014

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**No. 14UR017 - Conditional Use Permit to allow a child care center in the Light Industrial District**      **ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Jessica Castleberry
PROPERTY OWNER	Lance W. Rom
REQUEST	<b>No. 14UR017 - Conditional Use Permit to allow a child care center in the Light Industrial District</b>
EXISTING LEGAL DESCRIPTION	Lot 8 of Block 2 of Rushmore Regional Industrial Park, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.29 acres
LOCATION	3459 Jet Drive
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Employment Center
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water, Rapid Valley Sanitary District sewer
DATE OF APPLICATION	July 11, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a child care center in the Light Industrial District be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction. A Certificate of Completion shall be obtained prior to commencement of the child care center use;
2. Prior to issuance of a building permit, revised plans shall be submitted showing that the required separation is being provided between the proposed outdoor play area and any portions of the fenced-in yard located within 25 feet of the Jet Drive right-of-way. In addition, plans shall be revised to show sidewalks are being provided along Jet Drive, or an Exception must be obtained from City Council waiving the requirement to provide sidewalks;
3. Prior to issuance of a Certificate of Completion, all fire sprinkler protection and fire alarms

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- must be installed and approved by the Rapid City Fire Department. All provisions of the International Fire Code shall be continually maintained;
4. All handicap design requirements shall be continually met;
  5. A minimum of 10 parking spaces shall be provided as shown on the submitted site plan. A minimum of one of the provided parking spaces shall be van handicap accessible. In addition, a loading and unloading zone shall be provided as shown on the submitted plans. All parking shall comply with the requirements of the Rapid City Municipal Code;
  6. A minimum of 53,729 points of landscaping shall be provided as shown on the submitted plans. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance. All landscaping shall be maintained in a live, vegetative state and replaced as necessary;
  7. All signage shall comply with the requirements of the Rapid City Sign Code. Changes to signage which comply with the requirements of the Rapid City Municipal Code shall be permitted with an approved sign permit. A sign permit is required for each sign;
  8. The Child Care Center shall operate in compliance with the submitted operations plan and the requirements of the Rapid City Municipal Code. Changes in the operations plan for the facility shall require a Major Amendment to the Conditional Use Permit;
  9. All provisions of the Light Industrial District shall be continually maintained, and;
  10. This Conditional Use Permit shall allow for a child care center. Uses permitted in the Light Industrial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. Conditional uses shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:** The applicant has submitted a request to allow a Child Care Center to be located on approximately 1.29 acres of property located in the Light Industrial District. The proposed Child Care Center, to be known as Little Nest Preschool, will accommodate a maximum of 40 students and a total of 6 staff and will operate Monday through Friday, 7:00 am to 5:30 pm. The submitted operations plan for the facility states that the Child Care Center is being marketed to the employees working within the Rushmore Regional Industrial Park. A Child Care Center is a Conditional Use in the Light Industrial District when it is being provided for children of employees within a Light Industrial development. The applicant is proposing to use the existing structures and fenced yard for the Child Care Center. No additions or expansions to the existing structures are being proposed.

The property is located at 3459 Jet Drive, approximately 500 feet east of the intersection of Concourse Drive and Jet Drive in Rapid Valley. The property is currently developed with a vacant commercial structure with a fenced yard and a two stall garage. Please note the two stall garage is not being included as a part of this Conditional Use Permit request.

**STAFF REVIEW:** Staff has reviewed the proposed day care center pursuant to the requirements of Chapter 17.50.150 and Chapter 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

**Criteria for Review:** In reviewing applications for a Conditional Use Permit, due consideration shall be given to the following:

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*The location, character, and natural features of the property;*

The property is comprised of approximately 1.29 acres located in a developing area of the City. The property includes an approximately 30,150 square foot fenced yard which the applicant has indicated will be used as an outdoor play area. No expansion or additions to the existing structures on the property is proposed. However, the addition of the child care center use does require a building permit. A building permit must be obtained prior to commencement of any child care center activities.

*The location, character, and design of adjacent buildings;*

All of the surrounding properties are zoned Light Industrial District and are developed with a variety of uses, including office and distribution centers. The submitted operations plans states that the child care center will cater to employees of the businesses located within the Rushmore Regional Industrial Park.

*Proposed fencing, screening, and landscaping;*

Submitted plans show that a minimum 42 inch high wire fence currently exists on the east side of the property, enclosing approximately 30,150 square feet of the property. The submitted operations plan shows that this is the location of the proposed outdoor play area. The play area will be accessible from the interior of the structure as well as via a gate accessed from the sidewalk located in front of the primary structure. The play area will be equipped with a variety of play ground equipment. Plans show that portions of the fenced yard are located within 25 feet of the Jet Drive right-of-way. Rapid City Municipal Code Chapter 17.50.150 states that no portions of the outdoor play area may be located within 25 feet of the right-of-way. The applicant has indicated they are willing to close off those portions of the outdoor play area which are located within 25 feet of the right-of-way. Prior to issuance of a building permit, revised plans must be submitted which show that separation is being provided between the outdoor play areas and any portions of the fenced yard located within 25 feet of the Jet Drive right-of-way.

Based on submitted plans, a total of 53,729 points of landscaping are required for existing structures on the site. Plans show that a total of 53,946 points of landscaping are being provided. All landscaping must continue to comply with the requirements of the Rapid City Landscaping Ordinance. All landscaping must be maintained in a live, vegetative state and replaced as necessary. No additional fencing, screening, or landscaping is being proposed.

*Proposed vegetation, topography and natural drainage;*

No changes to the existing vegetation, topography, and natural drainage are proposed as a part of the Conditional Use Permit. Public works staff has not noted any concerns with the existing drainage on the property.

*Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicap persons;*

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Submitted plans show that a minimum of 10 parking spaces as well as a loading and unloading zone are required for the proposed child care center use. The on-site parking includes a total of 24 parking spaces, including 2 handicap accessible spaces. In addition, a total of 5 parking spaces are being reserved as a loading and unloading zone for the Center. All parking must continue to comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan. Submitted plans do not show that sidewalks are being provided along Jet Drive. Prior to issuance of a building permit, revised plans must be submitted which show that the required sidewalk is being provided, or an Exception must be obtained from the City Council waiving the requirement to provide the required sidewalk.

*Existing traffic and traffic to be generated by the proposed use;*

The proposed child care center will accommodate a maximum of 40 children and 6 staff. The loading/unloading zone is located within the parking lot and, as such, will not interfere with traffic on Jet Drive. Transportation Planning staff has noted that a total of 34 peak hour trips are anticipated for the size of the proposed use. It does not appear that the proposed child care center will adversely affect the existing or expected traffic in the area.

Proposed signs and lighting:

No additional lighting is being proposed for the site. The submitted operations plan notes that final design for signage has not been established. However, the operations plan also notes that all signage will comply with the requirements of the Rapid City Municipal Code. Changes to signage which comply with the requirements of the Rapid City Municipal Code will be permitted with an approved sign permit. A sign permit is required for each sign.

*The availability of public utilities and services;*

The property is serviced by Rapid City water and Rapid Valley Sanitary District sewer. Public Works staff has not noted any concerns with the existing water services. Rapid Valley Sanitary District staff has not noted any concerns with the existing sanitary sewer services.

During review of the proposed child care center, Rapid City Fire Department staff determined that current codes require fire sprinkler protection throughout the structure as well as upgrades to the fire alarm. The submitted operations plans states that the applicant will provide all required fire sprinkler protection measures and alarms are required prior to operation of the child care center. Prior to issuance of a Certificate of Completion, all required fire protection measures must be installed and approved by the Rapid City Fire Department. All provisions of the International Fire Code must be continually maintained.

*The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;*

The Future Land Use Plan identifies the property as an Employment Center. A number of existing businesses are currently located within the Rushmore Regional Industrial Park. The proposed child care center is serving employees of the park and, as such, is appropriate to

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be located within an Employment Center. As such, the proposed child care center meets the objectives of the comprehensive plan and the purposes of the Ordinance.

*The overall density, yard, height, and other requirements of the zone in which it is located;*

The proposed use will be located within existing structures on the site and no expansion of the existing structures is proposed. All setbacks, building heights, landscaping, parking, and lot coverage appear to comply with the requirements of the Public District. The property must continue to comply with all the provisions of the Light Industrial District and the requirements of a child care center as specified in Chapter 17.50.150 of the Rapid City Municipal Code.

*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 proposed child care center is located within an area developing with a mix of commercial and light industrial uses. The facility will not be operating after 5:30 pm. It does not appear that the proposed day care use will create undue amounts of noise, odor, smoke, dust, air, or water pollution and additional measures mitigating these factors are not necessary.

*The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on adjacent existing uses.*

This Conditional Use Permit and the applicant's operations plan will serve as the tool to ensure that any potential adverse impacts of the use on the neighborhood are adequately mitigated. Staff recommends that the operation of the child care center comply with the operations plan submitted by the applicant. Changes in the operations plan of the child care center will require the review and approval of a Major Amendment to the Conditional Use Permit.

Factors for consideration: In reviewing requests for a conditional use for child care centers, the City may, in addition to the criteria included in 17.54.030.E, consider the following:

*Proximity to major arterials;*

Jet Drive is classified as a sub collector on the City's Major Street Plan. Concourse Drive, located approximately 500 feet to the west, is classified as a minor arterial street on the City's Major Street Plan. Submitted plans show that all portions of the fenced yard being utilized as outdoor play area will be located behind the front building line and at a distance of greater than 25 feet from Jet Drive.

*Proximity to recreation facilities;*

The existing structure is comprised of a single, large center room with some nooks separated with half-wall partitions and a separate room located in the northeast corner of the building. A total of 1,825 square feet of indoor play area is proposed. In addition, extensive

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outdoor play areas are available. The property is located within an area of the City developing with a variety of commercial and light industrial uses. No additional parks or recreational areas are in proximity to the proposed day care facility.

*Traffic generated by the center;*

As previously noted, Transportation Planning staff noted a maximum of 34 peak hour trips can be expected for a child care center of this size. It does not appear that the traffic generated by the proposed use will have a negative impact on the neighborhood.

*Hours of operation of the center;*

The submitted operations plan states that the facility will operate Monday through Friday, from 7:00 am to 5:30 pm.

*Maximum number of children appropriate to the area:*

The submitted operations plan states that a maximum of 40 children, with as many as 6 staff, will be employed at the facility. It does not appear that the proposed number of children located in the facility will have an adverse impact on the neighborhood based on the applicant's operations plan.

Play Areas: Based on a maximum number of 40 children, a minimum of 2,000 square feet of outdoor play area must be provided. The playground immediately adjacent to the school structure is comprised of approximately 31,150 square feet of play area. Based on a minimum of 40 kids and the provision of sufficient outdoor play area, a minimum of 1,400 square feet of indoor play area must be provided. The submitted plans show that the facility provides approximately 1,825 square feet of indoor play area. The minimum amount of play area required for a child care center is being provided.

Summary: The proposed child care center will serve a maximum of 40 children and employ a maximum of 6 staff. All parking and landscaping requirements are being met, including the provision of a loading and unloading zone and the required outdoor play area. The facility is not expected to generate excessive traffic for the area and is servicing employees working within the Rushmore Regional Industrial Park. All the criteria for a conditional use and for a child care center are being met. For these reasons, staff recommends that the Conditional Use Permit to allow a child care center as a conditional use in the Light Industrial District be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. The notification letters have been returned to Community Planning and Development Services for mailing. As of this writing, there have been no inquiries into the proposed child care center.