

STAFF REPORT  
December 4, 2014

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**No. 14PD040 - Final Planned Development to allow a child care center in the General Commercial District**      **ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Jake Boerger
PROPERTY OWNER	Debra Johnson and Michele Wagner
REQUEST	<b>No. 14PD040 - Final Planned Development to allow a child care center in the General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 2C of Huffman Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.65 acres
LOCATION	1339 E. North Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	November 6, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Final Planned Development to allow a child care center in the General Commercial District be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, final plans signed and sealed by a registered professional pursuant to SDCL 36-18A shall be submitted;
3. Prior to issuance of a building permit, a revised landscaping plan shall be submitted showing all landscaping in compliance with the requirements of the Rapid City Landscaping Ordinance. In particular, a minimum of 65,525 points of landscaping shall be provided. Future changes to the landscaping may be approved as a Minimal Amendment to the Planned Development contingent upon provision of the minimum

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4. required amount of landscaping;
4. Prior to issuance of a Certificate of Occupancy, all erosion and sediment control measures shall be installed;
5. All parking shall comply with the requirements of the Rapid City Parking Ordinance. Changes to the parking may be approved as a Minimal Amendment to the Planned Development and contingent upon provision of the minimum required parking;
6. All lighting shall be designed to preclude shining on adjacent properties and rights-of-way so as to avoid creating a nuisance to neighbors or passing traffic;
7. All signage shall comply with the requirements of the Rapid City Sign Code. No light emitting diode (LED) signage or message centers are being approved as a part of this Final Planned Development. The addition of LED signage or message centers shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
8. An air quality permit shall be obtained for any disturbances of earth greater than one acre;
9. All requirements of the International Fire Code shall be continually maintained;
10. All requirements of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of a future Major Amendment to the Planned Development, and;
11. This Final Planned Development shall allow for a child care center. The child care center shall operate in compliance with the submitted operations plan and all the requirements of the Rapid City Municipal Code. Uses permitted in the General Commercial District shall be permitted contingent upon approval of a building permit and provision of sufficient parking. Conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted this request for a Final Planned Development Overlay to allow a child care center to be constructed on approximately 1.65 acres of property located in the General Commercial District. On August 21, 2014, the Planning Commission approved an Initial and Final Planned Development (File #08PD041) for the development of three parcels of property. The properties were anticipated to be developed with three separate restaurants. Today, two of the properties have been developed with an On the Border Mexican restaurant and a Popeye's Louisiana Kitchen. The applicant is proposing to construct an approximate 6,000 square foot child care center on the third property.

The property will be accessed through the public access and parking easement created as a part of previous development of the property. The submitted operation plan for the facility shows that the proposed center will accommodate a maximum of 60 children and a maximum of 15 staff members. The facility will operate Monday through Friday from 6:00 am to 6:00 pm. The submitted plans identify that a 3,500 square feet of outdoor play area is being provided. No Exceptions to the underlying zoning district are being requested as a part of this Final Planned Development.

The property is located at 1339 East North Street, approximately 550 feet south of the intersection of East North Street and Century Drive. The property is the southernmost lot of the existing three lot development and is currently undeveloped

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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 within a Planned Development, due consideration shall be given to the following:

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

The property is comprised of approximately 1.65 acres located in an area of the City developing with a variety of commercial uses. The property is generally level and grass-covered. All grading has been completed. The site is currently developed with a parking lot.

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

Properties in the area are zoned General Commercial District and Light Industrial District and continue to develop with a variety of commercial and industrial uses, including two restaurants located on separate properties north of the subject property. The restaurants are constructed of a mix of concrete masonry, stone, brick, and glass.

*Proposed fencing, screening, and landscaping;*

Submitted plans show that a minimum 42 inch high chain link fence enclosing 3,500 square feet of area is proposed to be located on the southwestern portions of the property. The play area will be accessible from the interior of the structure and is located 40 feet from the western property line.

Submitted plans show that a minimum of 65,525 points of landscaping are required on the property. A total of 56,900 points of landscaping are proposed. An additional 8,625 points of landscaping are required. The applicant has indicated that the additional landscaping required pursuant to the Rapid City Landscaping Ordinance will be provided. Prior to issuance of a building permit, revised plans must be submitted showing that a minimum of 65,525 points of landscaping are being provided.

*Proposed vegetation, topography and natural drainage;*

Public Works staff has noted that all grading and drainage improvements have been previously installed for this property. No additional grading or drainage improvements are being proposed as a part of this Final Planned Development.

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

A minimum of 21 parking spaces are required for the proposed child care center. One of the proposed parking spaces must be a van accessible handicap parking space. Submitted plans show that a total of 52 parking spaces are located on the property, including 2

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handicap accessible parking spaces. Sufficient parking is provided at the site. A loading and unloading zone is being provided adjacent to the north side of the facility. All parking requirements are being met. Submitted plans show that sidewalks are being provided adjacent to the building. In addition, a 6 foot wide sidewalk is proposed to provide interior pedestrian site circulation and access.

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

The proposed child care center will accommodate a maximum of 60 children and 15 staff members. The loading/unloading zone is located within the parking lot and, as such, will not interfere with traffic on East North Street. Transportation Planning staff has noted that the use is anticipated to generate approximately 49 peak hour trips. The Traffic Impact Study submitted with the 2008 Planned Development anticipated that the subject property would be developed with a restaurant. The proposed child care center will generate less traffic than the previously anticipated restaurant. As such, an updated Traffic Impact Study is not required for the proposed use.

*Proposed signs and lighting:*

Submitted plans show one ground sign located on the south side of the building. In addition, the applicant has indicated they will include a sign on the Joint Identification Sign currently located on the Popeye's property to the north. The applicant has indicated that all signage will comply with the requirements of the Rapid City

*The availability of public utilities and services;*

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

The Rapid City Fire Department has noted no concerns with the proposed development.

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

The Future Land Use Plan identifies the property as appropriate for mixed use commercial development. Surrounding properties continue to develop with a variety of commercial and light industrial uses, including "On the Border" and "Popeye's" located to the north of the property. The proposed child care center meets the objectives of the adopted comprehensive plan and the purposes of the ordinance.

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

Submitted plans show that the proposed child care center will total approximately 6,000 square feet. The proposed development meets all the lot coverage, setbacks and building height requirements for the General Commercial District and for a child care center. The property must continue to comply with all the provisions of the General Commercial District

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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 facility will not be operating after 6:00 pm. It does not appear that the proposed child care center 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 Final Planned Development 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. Surrounding properties are developing with a variety of commercial and industrial uses, including two restaurants. The hours of operation for the child care center will be during daytime hours, while "On the Border" located adjacent to the facility will be busiest in the evenings. The loading/unloading zone is located adjacent to the sidewalk in front of the facility, ensuring that children are not required to cross through the parking lot to access the facility. Staff recommends that the operation of the child care center comply with the operations plan submitted by the applicant. Based on the criteria for a Conditional Use Permit within a Planned Development, it appears that the proposed child care center is an appropriate use for the area.

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;*

East North Street, located to the north of the subject property, is identified as a principal arterial street on the City's Major Street Plan. The proposed child care center is located approximately 500 feet south of the intersection of East North Street and Century Road. The site is accessed by a public parking and access easement serving the subject property and two lots north of the subject property.

*Proximity to recreation facilities;*

The property is located within an area of the City developed with a variety of commercial and light industrial uses. There are no parks or recreational areas in proximity to the proposed day care facility. However, submitted plans show that a 3,500 square foot outdoor play area is being provided as a part of this development.

*Traffic generated by the center;*

As previously discussed, Transportation Planning staff noted a maximum of 49 peak hour trips can be expected for a child care center of this size. The expected traffic generated by

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the center will be of a lesser intensity than the restaurant anticipated for the location in the original Traffic Impact Study.

*Hours of operation of the center;*

The submitted operations plan states that the facility will operate Monday through Friday, from 6:00 am to 6:00 pm.

*Maximum number of children appropriate to the area:*

The submitted operations plan states that a maximum of 60 children, with as many as 15 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: A total of 2,100 square feet of indoor play area is required. A total of 3,926 square feet of indoor play area is proposed. A total of 3,000 square feet of outdoor play area is required. A total of 3,500 square feet of outdoor play area is proposed. 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 60 children and employ a maximum of 15 staff. All parking requirements are being met, including the provision of a loading and unloading zone and the required play areas. A landscaping plan in compliance with the requirements of the Rapid City Landscaping Ordinance must be provided prior to issuance of a building permit. The traffic to be generated by the proposed use will be less than the traffic anticipated in the originally approved Traffic Impact Study for the property. All the criteria for a conditional use within a Planned Development and for a child care center are being met. Surrounding properties are developed with a variety of commercial and industrial uses, including "On the Border" and "Popeye's". The subject property is located at the south end of a three lot development. The lots to the north create a buffer between the proposed child care center and the East North Street corridor. Based on the requirements of the Rapid City Municipal Code, it appears that the proposed child care center is appropriate for the area. For these reasons, staff recommends that the Final Planned Development to allow a child care center in the General Commercial 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.