

STAFF REPORT
January 4, 2007

No. 06UR023 - Conditional Use Permit to allow a teenage care center in a Medium Density Residential District **ITEM 46**

GENERAL INFORMATION:

PETITIONER	Jay Van Hunnik for Wellspring, Inc.
REQUEST	No. 06UR023 - Conditional Use Permit to allow a teenage care center in a Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 2 thru 15 and Lots 18 thru 34 of Block 9 of the Cottonwoods Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.79 acres
LOCATION	3402 Cottonwood Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/9/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a teenage care center in a Medium Density Residential District be **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, the site plan shall be revised to show curb and gutter at the approach location being eliminated along Cottonwood Street;**
- 2. Prior to Planning Commission approval, the site plan shall be revised to show a physical barrier between the parking spaces located on the west side of the property along Evergreen Drive and the pedestrian walkway;**
- 3. Prior to Planning Commission approval, the site plan shall be revised to provide a minimum 12 foot separation between the adjacent single family residential lot and any part of the parking area, including the paved access aisle;**
- 4. Prior to Planning Commission approval, the parking plan shall be revised to show one "Van" handicap accessible space. In addition, the parking plan shall be revised eliminating the two parking spaces located in the northeast corner of the**

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- property along Dover Street;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 6. Prior to issuance of a building permit, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
 7. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement;
 8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. As proposed by the applicant, no lighting shall be allowed for the signs. A sign permit shall also be obtained for each individual sign;
 9. A minimum of 133,172 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In particular, the row of large Elm trees shall remain along the south lot line to serve as a buffer between the subject property and the adjacent single family residential lot. In addition, a minimum of two planter islands shall be provided as proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 10. A minimum of 100 parking spaces shall be provided. Four of the spaces shall be handicap accessible with one of the handicap spaces being "Van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 12. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
 13. The air handling equipment shall be located within the existing building as proposed. Any external placement of air handling equipment shall require a Major Amendment to the Conditional Use Permit;
 14. All International Fire Codes shall be met. In addition, the building shall be fire sprinklered as per the International Fire Code and a building permit shall be obtained for the fire sprinkler system prior to installation;
 15. The proposed structure shall be used as a teenage care center with a maximum of 75 youth and 25 employees on the property at any one time. In addition, the facility shall be operated in compliance with the statements submitted as a part of this application. No overnight stays shall be allowed. In addition, the facility may be operational from 8:00 a.m. to 10:00 p.m. Any other use or change in operation shall require a Major Amendment to the Conditional User Permit; and,
 16. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

(Update, December 21, 2006. All revised and/or added text is shown in bold print.)

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This item was continued at the December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information and to revise the site plan to comply with the Rapid City Municipal Code. On December 5, 2006, the applicant submitted a revised parking plan, a landscaping plan, a sign package and a revised site plan. In addition, the applicant submitted information identifying the dumpster location and screening information.

The applicant has submitted a Conditional Use Permit to allow a teenage care center on the above legally described property.

In 1947, the subject property was annexed into the City limits of Rapid City. In 1949, a building permit was issued to allow the construction of a 30 foot by 60 foot church. In 1952, a building permit was issued to allow the construction of a detached garage and two Sunday school rooms onto the church. In 1955, a building permit was issued to allow the construction of two additions onto the church measuring 32 feet by 80 feet and 28 feet by 40 feet, respectively. In 1982, a building permit was issued to allow a multi-purpose room to be constructed onto the church. On March 4, 1985, the City Council approved a Use on Review to allow another addition onto the existing church and to add parking spaces. It was noted during the review that a Use on Review had not been obtained for the existing church use and as such, the Use on Review was being proposed to bring the church into compliance with the City Zoning Regulations and to authorize the 1985 addition as identified.

On September 5, 2006, the City Council denied without prejudice a Rezoning request to change the zoning designation of the subject property from Medium Density Residential District to Office Commercial District. In addition, the City Council denied without prejudice a Comprehensive Plan Amendment to the Long Range Comprehensive Land Use Plan to change the land use designation from residential to Office Commercial with a Planned Commercial Development. (See file No. 06RZ0020 and No. 06CA019.)

On October 16, 2006, the City Council approved an Ordinance Amendment to allow "teenage care center" as a Conditional Use in the Medium Density Residential District.

The property is located east of Evergreen Drive, north of Cottonwood Street, west of 9th Avenue and south of Dover Street. Currently, Calvary Lutheran Church is located on the property.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit and has noted the following considerations:

Use: The applicant has indicated that the existing structure will be used as a Teenage Care Center for an estimated **75** youth per week, ranging in age from 10 to 19. In particular, the applicant has indicated that the daily services will include:

- Transportation from school, when school is in session (Parents also have the option of transporting their children from school to the facility);

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- An afternoon snack;
- 1 ½ hours of group therapy;
- 1 ½ hours of life skills education;
- Tutoring and/or help with homework as needed;
- An evening meal; and,
- Family counseling and parent education, when needed.

The applicant has also indicated that the facility will have 25 employees. As such, the facility will include administrative offices with board and committee meetings as needed. In addition, the applicant has indicated that the Teenage Care Center will be open from 8:00 a.m. to **10:00** p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday. During summer or when school is not in session, the children may arrive two to three hours earlier but will also usually leave two to three hours earlier.

Parking: The proposed use requires a minimum of 89 parking spaces. The applicant has submitted a site plan showing 129 parking spaces. However, 25 of the parking spaces located along the east lot line are partially located in the adjacent street right-of-way. In addition, four of the parking spaces located along Cottonwood Street are designed so that the vehicles will back into the Cottonwood Street right-of-way. An additional 13 parking spaces along the south lot line are located six feet from the side yard of the adjacent residential lot in lieu of the minimum required 12 foot separation. Staff has also noted that the access aisle(s) located throughout the parking lot range in width from 21 feet to 23 feet, which does not provide the minimum 26 foot access aisle width as per the Parking Regulations. In addition, the approach along Dover Street is approximately 12 feet in width in lieu of a minimum 20 feet in width to allow the existing two way traffic at the approach. The parking plan identifies seven parking spaces located in the northwest corner of the subject property that meet the minimum parking requirements. The balance of the parking spaces do not meet the minimum design standards and, as such, can not be counted towards meeting the parking requirement. However, it appears that the parking lot could be redesigned and/or re-striped to provide the minimum required parking spaces. In particular, it may require that one way traffic, which allows for angled parking and a reduced access aisle width, be incorporated into the parking plan. Staff is recommending that the Conditional Use Permit application be continued to allow the applicant to revise the parking plan to provide a minimum of 89 parking spaces with three handicap accessible spaces as per the Parking Regulations. In addition, one of the handicap accessible spaces must be "van" handicap accessible. **The applicant has submitted revised information indicating that a maximum of 75 youth and 25 employees will be on the property at any one time. As such, a minimum of 100 parking spaces must be provided. In addition, four of the parking spaces must be handicap accessible with one the handicap spaces being "Van" accessible. The applicant has submitted a revised site plan identifying 103 parking spaces with six of the spaces being handicap accessible. However, two of the parking spaces located in the northeast corner of the property along Dover Street do not have a 26 foot wide access aisle and, as such, must be removed from the site plan. In addition, the site plan must be revised to provide one "Van" accessible handicap space. Staff is recommending that prior to Planning Commission approval, the site plan be revised to show the "Van" accessible handicap space and to show**

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the elimination of the two parking spaces along Dover Street.

The revised parking plan also identifies the elimination of an approach to the property along Cottonwood Street. In addition, the site plan shows the planting of grass within this area. The applicant has indicated that curb and gutter will be extended within the approach area, however, the site plan does not show the curb and gutter or any other provision to provide a physical barrier preventing access at this location. As such, staff is recommending prior to Planning Commission approval, the site plan be revised to show curb and gutter as proposed.

In addition, the revised parking plan identifies parking spaces along the east side of the property as it abuts Evergreen Drive with a paved pedestrian walkway in front of the parking spaces. However, a physical barrier is not being provided to separate the parking area from the pedestrian walkway. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to show a physical barrier as identified.

Landscaping: A minimum of 79,882 landscaping points must be provided. In addition, a minimum of one planter island per 50 parking spaces must be provided. Each planter island must contain a minimum of 100 square feet and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. To date, a landscaping plan has not been submitted for review and approval. As such, staff is recommending that the Conditional Use Permit be continued to allow the applicant to submit a landscaping plan as identified. **The applicant submitted a landscaping plan with 133,172 landscaping points. In addition, the landscaping plan provides two planter islands as required. The site plan has also been revised to eliminate the parking along the south lot line adjacent to the single family residential lot. In addition, the landscaping plan identifies a row of existing Elm trees along the south lot line between the subject property and the adjacent single family residential lot serving as a buffer. However, the site plan does not provide a minimum 12 foot separation between the access aisle, which is a part of the parking area, and the adjacent single family residential lot. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to provide a minimum 12 foot separation between the access aisle and the adjacent single family residential lot as required by the Parking Regulations.**

Staff is also recommending that a minimum of 133,172 landscaping points be provided as proposed. In addition, the landscaping plan must comply with all requirements of the Zoning Ordinance. All landscaping must also be continually maintained in a live vegetative state and replaced as necessary.

Sign Package: The applicant has submitted a written statement that the existing Calvary Lutheran Church signs will remain on the property but will be replaced to identify the Teenage Care Center in lieu of the church. To date, the size, building material and color scheme of the signs has not been submitted for review and approval. As such, staff is recommending that the Conditional Use Permit be continued to allow the applicant to submit a sign package as identified. **The applicant has submitted a sign package identifying**

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that the two existing ground signs currently located on the property will remain. The sign package also identifies that the lettering on the two signs will be changed to read "Wellspring Inc." The ground signs are located in the northwest corner of the property along Evergreen Drive and on the east side of the property along 9th Avenue, respectively. Both signs are constructed of brick and match the existing brick structure located on the property. The sign along Evergreen Drive measures four feet, nine inches in height by 10 feet, 6.5 inches in length. In addition, the sign along 9th Avenue measures four feet, two inches in height by six feet in length. The applicant has indicated that the lettering will be green and black.

The sign package also identifies a 10 inch by 32 inch wall sign on the west side of the building. The wall sign will be constructed of a plastic composite material with black lettering and a green logo. The applicant has indicated that no lighting is being proposed for any of the signs.

Staff is recommending that all signage conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. In addition, a sign permit must be obtained for each individual sign.

Developmental Lot: The subject property comprises 31 individual lots. As such, staff is recommending that prior to issuance of a building permit, the applicant sign a developmental lot agreement identifying the subject property as one developmental lot.

Fire Department: The Fire Department staff has indicated that the change in use requires that the structure be fire sprinklered as per the International Fire Code. Currently, a fire alarm system is in place within the structure; however, the Fire Department staff has indicated that the existing system may require an upgrade to meet the current International Fire Code requirements. The applicant has indicated that a fire sprinkler system will be installed as required. Staff is recommending that the building be fire sprinklered as per the International Fire Code and that a building permit be obtained for the fire sprinkler system prior to installation.

Dumpster: To date, the applicant has not submitted a site plan identifying the location of a dumpster. As such, staff is recommending that the Conditional Use Permit be continued to allow the applicant to identify the location of the dumpster and to submit elevations of a screening fence to be constructed around all four sides of the dumpster. **The applicant has submitted a site plan showing the dumpster located at the southern end of the parking area, east of the existing structure. In addition, the applicant has submitted elevations of the screening fence showing a six foot high wood privacy fence with a six foot high wood gate enclosing the dumpster. Staff is recommending that the dumpster be located as shown on the site plan and screened on all four sides as proposed.**

Air Handling Equipment: The applicant has indicated that the air handling equipment is located within the existing structure. As such, no additional information is required regarding the size and/or noise generated by the air handling equipment. Staff is recommending that the

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air handling equipment continue to be located within the existing building. Any external placement of air handling equipment will require a Major Amendment to the Conditional Use Permit.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the **January 4, 2007** Planning Commission meeting if these requirements have not been met.