

STAFF REPORT
May 27, 2010

No. 10PD033 - Major Amendment to a Planned Residential Development ITEM 24

GENERAL INFORMATION:

APPLICANT	Bethel Assembly of God Church
AGENT	Greg Wierenga for CETEC Engineering Services, Inc.
PROPERTY OWNER	Bethel Assembly of God Church
REQUEST	No. 10PD033 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot C-2 and half of the vacated Marshall Boulevard and Lot 1 of Lot C-1 and half of the vacated Marshall Boulevard adjoining of Marshall Heights Tract, all in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.78 acres
LOCATION	1202 North Maple Avenue
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Low Density Residential District
West:	Public District - Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/1/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

- 1. Prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer shall be submitted for review and approval for the retaining wall in excess of four feet located around the playground;**
- 2. Prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the detention pond outlet**

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modifications shall be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall shall be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 shall be removed and relayed. In addition, a minimum of 6 inches of soil cover and grass seed or sod shall be placed over the disturbed area. All work to be done on Lot 9, Block 7 shall be conducted within the existing drainage easement located along the north lot line or additional easement(s) shall be obtained from the property owner(s) as needed;

3. Prior to Planning Commission approval, the parking plan shall be revised to show the access aisles located adjacent to the handicap parking spaces are designed in compliance with the City's Parking Regulations;
4. Upon approval of the Major Amendment to the Planned Commercial Development, a building permit for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening shall be obtained;
5. A minimum of 151 parking spaces shall be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of eight parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan. In addition, a minimum of three planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
6. A minimum of 151,130 landscaping points shall continue to be provided. The landscape plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be maintained in a live vegetative state and replaced as necessary;
7. The church shall continually conform architecturally to the previously approved elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and the subsequent Major Amendment to the Planned Residential Development;
8. All signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code;
9. 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;
10. The noise levels emitted from the HVAC system shall not exceed 65 Ldn at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 Ldn standards or shall construct all necessary improvements to comply with the standards;

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11. The currently adopted International Fire Code and Building Code shall be continually met. In addition, the child care center and activities shall be restricted to the lower level as proposed until such time as fire sprinkler protection is provided to the sanctuary in the upper level;
12. A minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space shall be provided as per Section 17.50.150.C of the Rapid City Municipal Code. In addition, the fencing around the outdoor play space shall continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street;
13. The Planned Residential Development shall allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. A maximum of 150 children and 30 staff members shall be allowed as a part of the child care center. The hours of operation for the exterior playground area shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; and,
14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment.

GENERAL COMMENTS:

(Update: May 20, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 6, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted construction plans identifying that the pedestrian access to the playground meets Americans with Disabilities Act requirements, an Erosion and Sediment Control Permit, a revised sign package which includes the monument sign located on the south side of the church and a copy of a recorded covenant agreement to secure parking on Lot 1 of Lot C-1 and Lot C2. The applicant has also submitted construction plans and details, stamped by a Professional Engineer for the retaining walls in excess of four feet located around the mechanical equipment. In addition, the applicant has submitted drainage information addressing site drainage.

The applicant has submitted a Major Amendment to a Planned Residential Development to expand a child care center currently operated within a portion of the existing church located on the property. The applicant has indicated that the existing church sponsored child care center currently serves 50 children. The applicant is proposing to expand the child care center to 150 children and 30 staff members within three years. The applicant has indicated that the child care center will be operated Monday through Friday from 6:30 a.m. to 6:00 p.m. In addition, the applicant is proposing to construct playground equipment within an existing fenced playground area as a part of the child care center.

On February 9, 2006, Planning Commission approved an Initial and Final Planned Residential Development (File #05PD092) to allow the church to be expanded to include a

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gymnasium, classrooms, concession area, youth café, office and storage as a part of an after school program for the YMCA.

On April 7, 2009, a Minimal Amendment was approved to allow a child care center with a total of 15 children to be operated within the church.

The property is located in the northeast corner of the intersection of North Maple Avenue and Anamosa Street. Currently, a church with a fenced in play area exists on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to a Planned Residential Development and has noted the following considerations:

Improvements: A portion of the property has been graded to allow for the construction of retaining walls and fencing around the outdoor playground area. In addition, pedestrian walkways have been constructed along the north side of the church. A pedestrian walkway has also been constructed on the east side of the church to serve as access to the playground area. Concrete pads for mechanical equipment and screening around the mechanical equipment have also been constructed. To date, building permits and grading permits have not been obtained for this work. As such, prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer, for all retaining walls in excess of four feet must be submitted for review and approval. In addition, construction plans must be submitted for review and approval identifying that the pedestrian access to the playground meets ADA requirements. The applicant must also demonstrate that the site has been developed in accordance with the approved drainage plan or an amendment to the drainage plan must be submitted for review and approval. Upon approval of the Major Amendment to the Planned Residential Development, building permits must also be obtained for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening fence(s). An Erosion and Sediment Control Permit must also be obtained.

(Update: May 18, 2010.) As previously indicated, the applicant has submitted construction plans identifying that the pedestrian access to the playground meets Americans with Disabilities Act requirements and an Erosion and Sediment Control Permit.

The applicant has also submitted construction plans and details, stamped by a Professional Engineer for the retaining walls in excess of 4 feet located around the mechanical equipment. To date, construction plans and details for the retaining wall in excess of 4 feet located around the playground have not been submitted for review and approval. As such, prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer, must be submitted for review and approval for the retaining wall in excess of four feet located around the playground.

At the May 6, 2010 Planning Commission meeting, an area property owner, Mr. David Marrs, noted concerns with drainage from the site along the south lot line of his

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property located east of the Church property. In addition, the applicant voiced concerns with the lack of maintenance of a drainage culvert located within an existing drainage easement and concerns that any future expansion of the Church property may create additional drainage issues.

The applicant's consultant has, subsequently, submitted drainage information addressing the drainage concerns and has recommended drainage improvements in order for the site to drain properly. In particular, the applicant's consultant has recommended that the detention pond outlet modifications be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall must be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 must be removed and re-layed. In addition, a minimum of 6 inches of soil cover and grass seed or sod must be placed over the disturbed area. All work to be done on Lot 9, Block 7 must be conducted within the existing drainage easement located along the north lot line or additional easement(s) must be obtained from the property owner(s) as needed. Staff recommends that prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the drainage improvements as identified be completed.

Child Care Center: As previously indicated, the applicant is proposing to expand the existing child care center from 50 children to 150 children and 30 staff members within three years. The applicant has indicated that the child care center will be operated Monday through Friday from 6:00 a.m. to 6:30 p.m. In addition, the applicant is proposing to construct playground equipment within an existing fenced playground area as a part of the child care center.

Staff recommends that the Planned Residential Development allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. In addition, the child care center must be operated in compliance with the applicant's operational plan and in compliance with Chapter 17.50.150 of the Rapid City Municipal Code.

Play Area: Section 17.50.150 of the Rapid City Municipal Code requires that a minimum play space of not less than 70 square feet per child be provided within the structure if an outdoor play area is not provided. The applicant is proposing to provide a 2,700 square foot outdoor play area which will accommodate 54 children. Subsequently, a minimum of 6,720 square feet of indoor play space is required for the remaining 96 children. The applicant is proposing to provide 7,311 square foot of indoor play area. The applicant has indicated that the children will use the outdoor playground in shifts not to exceed 54 children at any one time.

Staff recommends that a minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space be provided as per Section 17.50.150.C of the

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Rapid City Municipal Code. In addition, the fencing around the outdoor play space must continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area must be enclosed within a 42 inch high fence and must be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street.

Parking: The existing church and proposed child care center require that a minimum of 151 parking spaces be provided with six of the spaces being handicap accessible. One of the handicap spaces must be “van” accessible. An unloading zone for the child care center must also be identified.

The applicant has submitted a site plan identifying 178 parking spaces with ten handicap spaces. Three of the handicap spaces are “van” accessible. However, a minimum five foot wide access aisle is not provided adjacent to three of the handicap spaces. As such, staff recommends that prior to Planning Commission approval, the parking plan be revised to show the access aisles located adjacent to the handicap parking spaces designed in compliance with the City’s Parking Regulations.

The parking plan also identifies that eight parking spaces have been signed for parents use to serve as a drop off area for the child care center.

Staff recommends that a minimum of 151 parking spaces be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces must be “van” accessible. A minimum of eight parent drop off spaces must be maintained at the entrance to the building as shown on the site plan. All provisions of the Off-Street Parking Ordinance must be continually met.

Parking Agreement: A stipulation of the original Initial and Final Planned Residential Development plan approval required that “Prior to issuance of a building permit, a covenant agreement must be submitted to the Development Service Center Coordinator for approval and recorded with the Register of Deed’s Office”. The purpose of the covenant agreement was to secure parking on the two lots currently owned by the church. However, it does not appear that a covenant agreement was recorded at the Register of Deed’s Office as required. As such, prior to issuance of a Certificate of Occupancy, the previously required covenant agreement to secure parking on Lot 1 of Lot C-1 and Lot C2 must be recorded and a copy submitted to the Growth Management Department or the applicant must sign a developmental lot agreement for the two lots.

(Update: May 18, 2010.) The applicant has submitted a copy of a recorded covenant agreement securing parking on Lot 1 of Lot C-1 and Lot C2.

Fire Code/Building Code: Building Inspection Staff and Fire Department Staff have indicated that the areas to be used for the child care center are in compliance with Building and Fire Code requirements. Staff recommends that the currently adopted International Fire Code and Building Code be continually met. The Fire Department staff has indicated that the child care center and activities shall be restricted to the lower level as proposed until such time as

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fire sprinkler protection is provided to the sanctuary in the upper level.

Signage: The applicant has submitted a sign package identifying the following existing signs:

North side of the building:

22 ½ inch by 44 inch wall sign reading "North Point Child Care Entrance"

16 inch by 42 inch wall sign reading "Childcare Center"

13 inch by 18 inch wall sign reading "North Point Childcare Center"

12 inch by 60 inch wall sign reading "North Point Center North Entrance"

22 foot by 32 foot pole sign as a directional sign at the north entrance to the church

South side of the building:

12 foot by 20 ½ foot wall sign reading "Bethel Assembly of God"

4 foot by 38 inches wall sign reading "Auditorium"

12 inch by 60 inch wall sign reading "North Point Center South Entrance"

A monument sign also exists within the southern portion of the property. The sign package does not include this sign. As such, staff recommends that prior to Planning Commission approval, the sign package be revised to include the monument sign. In addition, an elevation of the sign must be submitted for review and approval identifying the dimensions, building material, color and illumination of the monument sign.

(Update: May 17, 2010.) The applicant has submitted a revised sign package identifying the existing monument sign located south of the church as a 65 inch high by 123 inch long sign constructed with brick, stone and wood. In addition, the colors of the sign are shades of brown and match the colors of the existing building.

Staff also recommends that the signage continue to conform to the design, color and location as shown in the sign package submitted and approved as a part of this Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code.

Notification Requirement: **The receipts from the certified mailings have been returned and the sign has been posted on the property.** Staff had previously received comments from an area property owner that noise from the playground area may be obtrusive to the neighborhood.