

STAFF REPORT
August 26, 2004

No. 04PD038 – Planned Residential Development - Initial and Final Plan to allow a group home in a High Density Residential Zoning District

ITEM 28

GENERAL INFORMATION:

PETITIONER	Cornerstone Rescue Mission
REQUEST	No. 04PD038 – Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	E1/2 of Lot 27 and all of Lots 28-29, Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.2 acres
LOCATION	404 Columbus Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	High Density Residential District
South:	High Density Residential District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District be approved with the following stipulations:

- 1. Prior to Planning Commission approval, the site plan shall be revised to provide ten parking spaces with one of the spaces being “van” handicap accessible. In addition, the site plan shall be revised to preclude backing into Columbus Street and the alley;**
- 2. Prior to issuance of a building permit, the alley shall be paved from the approach along the rear lot line of the property to 4th Street;**
- 3. Prior to issuance of a building permit, the shrubs located along the front lot line shall be trimmed and/or removed from the ten-foot sight triangle. In addition, a minimum of 6,638 landscaping points shall continually be provided. The landscaping plan shall comply with all requirements of the**

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- Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A Building Permit and a Certificate of Occupancy shall be obtained prior to occupancy;**
 - 5. All Uniform Fire Codes shall be met;**
 - 6. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the existing residence shall be used as a group home for women and children with a maximum of eight bedrooms. Any expansion of the use or change in use shall require the review and approval of a Major Amendment to the Planned Residential Development; and,**
 - 7. The Planned Residential Development shall expire if the use is not undertaken 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 August 20, 2004. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2004 Planning Commission meeting at the property owner's request.

The applicant has submitted an Initial and Final Residential Development Plan to allow a group home to be located in the existing residence on the above legally described property. The property is located on the north side of Columbus Street between 4th Street and 5th Street. Currently, a residence and a shed are located on the property.

In 1946, a building permit was issued to allow the residence to be located on the property. The building permit indicates that the residence was to be used as a "rooming house". In 1984, a building permit was issued to allow the residence to be used as a "group home". Subsequently, Women Against Violence, Inc. located to the site. However, a Use on Review and/or a Conditional Use Permit was never reviewed and approved by the City Council to allow the group home to be located within the residence as required by the Zoning Ordinance. As such, the applicant has submitted an Initial and Final Residential Development Plan to allow a group home as identified on the property.

STAFF REVIEW:

On July 15, 2004, the property owner requested that the Initial and Final Residential Development Plan be continued to the August 5, 2004 Planning Commission meeting. As such, staff is recommending that this item be continued as requested.

On July 27, 2004, the property owner requested that the Initial and Final Residential Development Plan be continued to the August 26, 2004 Planning Commission meeting in order for members of staff, the applicants and representatives from the School District's Office to meet and discuss alternate locations for the proposed group home. As such, staff is recommending that this item be continued as requested.

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Staff has reviewed the Initial and Final Residential Development Plan and has noted the following considerations:

Land Use: As previously indicated, the applicant is proposing to use the existing residence as a group home for women and children. In particular, the applicant has indicated that the group home will house women and children within the eight bedrooms currently existing in the structure. The applicant has indicated that a maximum of two employees will be on the property at any one time. Chapter 17.04.350 of the Zoning Ordinance states that a group home means “an activity providing personal assistance to six or more individuals unrelated by blood or marriage who, by reason of mental or physical disability, addiction to drugs or alcohol, or family and school adjustment problems, require specialized attention and care in order to achieve personal independence. Such assistance must include board and room, and may include counseling, rehabilitative services and other incidental services customarily provided by group homes. This shall not include missions, detoxification centers or detention centers”. Staff is recommending that a group home be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. In particular, the existing residence may be used as a group home as proposed for women and children with a maximum of eight bedrooms. Any expansion of the use or change in use will require the review and approval of a Major Amendment to the Planned Residential Development.

Quit Claim Deed: In 1980, a Quit Claim Deed was filed at the Register of Deed’s Office transferring ownership of the property from the City of Rapid City to Women Against Violence, Inc. A condition of the Quit Claim Deed requires that the “property be used for a shelter for domestic violence victims, and related operations, and if said property shall no longer be used for this purpose, title to said property shall revert to the City of Rapid City”. The proposed use of the property as a group home for women and children as defined in the Program Plan appears to be consistent with the intent of the conditions of the Quit Claim Deed. The applicant should be aware that any other use of the property would result in the title of the property reverting back to the City of Rapid City.

Parking: The applicant has indicated that the group home will have a maximum of eight bedrooms with no more than two employees on the property at any one time. As such, one parking space must be provided for each bedroom and each employee for a total of ten parking spaces. In addition, one of the parking spaces must be “van” handicap accessible. The site plan currently provides five parking spaces. In addition, four of the parking spaces located along the rear of the lot back into the alley and the parking space along the front of the lot backs into Columbus Street. The Parking Regulations state that a vehicle may not enter a right-of-way backwards, with the exception of parking for one or two-family dwelling units. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to provide ten parking spaces with one of the spaces being “van” handicap

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accessible. In addition, the site plan must be revised to preclude backing into Columbus Street and the alley.

The Parking Regulations require that access to parking lot(s) be paved. Currently, the alley is not paved. As such, staff is recommending that prior to issuance of a building permit, the alley shall be paved from the approach along the rear lot line of the property to 4th Street.

Landscaping: A minimum of 6,638 landscaping points are required. The applicant has submitted a landscaping plan identifying that 8,000 landscaping points are being provided. Staff has noted that the shrubs located along the front lot line need to be trimmed and/or removed from the ten-foot sight triangle. As such, staff is recommending that prior to issuance of a building permit, the shrubs shall be trimmed and/or removed as needed. In addition, a minimum of 6,638 landscaping points must continually be provided. The landscaping plan must comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received one letter in opposition regarding this proposal. (A copy of the letter is attached for your review.) A number of inquiries regarding the project have also been received. Questions have been raised about the possible location of this facility and the relocation of the Cornerstone Mission to the former E.B. Berquist Elementary School site. This item was previously continued to allow the applicant's representatives to meet with representatives from the Rapid City School District and the City of Rapid City, as well as a representative from WAVI, the current owner of the subject property. At that time, the potential of redeveloping the former E.B. Berquist Elementary School site was discussed. However, due to the costs of rehabilitating that site, the capital costs of acquiring the site, the presence of asbestos in the existing building and the condition of the roof, it was determined that developing a campus facility on the former Elementary School site was not feasible at this time.

Based on the review as outlined above, staff recommends approval of the proposed project with stipulations of approval as previously outlined. Compliance with these stipulations will insure that the project is in compliance with the minimum requirements of the Zoning Ordinance.