

STAFF REPORT
August 27, 2009

No. 09SR068 - SDCL 11-6-19 Review to allow expansion of an existing structure on public property **ITEM 33**

GENERAL INFORMATION:

APPLICANT	Youth and Family Services, Inc.
AGENT	FourFront Design, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR068 - SDCL 11-6-19 Review to allow expansion of an existing structure on public property
EXISTING LEGAL DESCRIPTION	Lot A and the vacated North 14 feet of Monroe Street contiguous to said Lot A of Block 12 of Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.19 acres
LOCATION	Northwest of the intersection of East Monroe Street and Racine Street
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Public District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/10/2009
REVIEWED BY	Patsy Horton / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow expansion of an existing structure on public property be approved if the following issues are addressed prior to Planning Commission approval:

- 1. The site plan shall be revised to provide the required off-street parking stalls in accordance with the applicable provisions of the Rapid City Municipal Code; or the site plan shall be revised to show the required off-street parking stalls within 300 feet in compliance with all applicable provisions of the Rapid City Municipal Code; or the applicant obtain an exception to reduce the number of required off-**

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- street parking stalls for the facility to 41 stalls; and
2. **Construction plans and profiles of the retaining wall must be submitted for review and approval prior to Planning Commission approval.**

GENERAL COMMENTS: (Update, August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 27, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, all of the additional information necessary to review the application has been submitted with the exception of the documentation of compliance with all applicable requirements of the off-street parking requirements.

The property is located north of Monroe Street between Waterloo Street and North Lacrosse Street at 401 East Monroe Street. The property is currently zoned Public District and is owned by the City of Rapid City. Youth and Family Services currently operate the preschool facility located on the property. The properties located north, south and west of the property are zoned Low Density Residential District. The properties located east of the property are zoned Public District. The applicant is requesting approval of a SDCL 11-6-19 Review to allow the expansion and remodel of an existing structure on public property.

On April 21, 2008 City Council approved a Vacation of Right-of-Way Request (#08VR003) along the south side of the property to develop a parking lot.

On February 5, 2009, the Planning Commission approved a SDCL 11-6-19 Review to allow the installation of a transformer on public property.

The applicant is now requesting approval of a SDCL 11-6-19 Review to allow the expansion of the existing structure on public property.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the property is publicly owned land requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Parking: (Update: August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a parking plan. The applicant indicated that there are 31 full-time on-site employees with an additional eight employees on-site on a revolving basis. The off-street parking requirements for a preschool/child care center identify that the facility is required to provide 1.4 off-street parking stalls per employee for a

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total of 44 off-street parking stalls. Although the site plan identifies 41 parking stalls for the 31 employees, three additional stalls must be provided to accommodate the school buses and the other eight employees, for a total of 44 required parking stalls. The eight revolving employees were not included in the calculation for off-site parking because they are not on-site full time.

The applicant has indicated that the adjacent property owner has verbally agreed to allow the Youth and Family Services facility the use of three parking stalls in the parking lot adjacent to the subject property. If the Rapid City Regional Hospital's site plan for adjacent lot currently provides three excess parking stalls and still meets the parking requirements for their adjacent lot, shared parking can be utilized to meet the requirements of the parking regulations. If the applicant submits a parking agreement with the adjacent property owner prior to Planning Commission's consideration and the adjacent lot has three excess parking stalls, the parking plan would comply with the requirements.

The applicant has submitted a site plan as part of this application indicating in the "Notes" that the site currently includes 63 parking stalls. However, the site plan does not include a scaled version of the location of those stalls in order to confirm that the submitted parking plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code. As such, staff is recommending that this item be continued to allow the applicant to submit a complete site plan identifying all of the required information.

Landscaping: **(Update: August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a landscaping plan. A landscaping plan was submitted on August 14, 2009 and based on staff review, the landscaping plan appears to comply with the landscaping requirements of the Rapid City Municipal Code.**

The applicant has submitted a site plan as part of this application indicating in the "Notes" that existing trees or landscape items will be removed and/or replaced as necessary. However, the application does not identify the existing species nor does the site plan include the location of the proposed landscaping identifying the species to be used. This information is necessary in order determine that the submitted information meets the minimum landscaping requirements Section 17.50.300 of the Rapid City Municipal Code. As such, staff is recommending that this item be continued to allow the applicant to submit a complete site plan identifying all of the required information.

Building Permits: Staff noted that a Building Permit must be obtained prior to initiation of the expansion or remodel of the facility. Additionally, a Certificate of Occupancy is required prior to occupying the expansion/remodel area.

Setbacks: The Public District requires a minimum 25 foot setback from all property lines. Staff noted that the proposed expansion and remodel comply with the minimum setback requirements of Section 17.46.040 of the Rapid City Municipal Code.

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Grading Plan: (Update: August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a grading plan. A grading plan was submitted on August 14, 2009 and based on staff review, the grading plan appears to comply with all applicable requirements.

Grading plans prepared by a Registered Professional Engineer showing any proposed grading, inclusive of cut and fill quantities must be submitted for review and approval. As such, staff is recommending that this item be continued to the August 27, 2009 Planning Commission meeting to allow the applicant to submit the required information. Once the plans are reviewed and approved, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Retaining Wall: The applicant resubmitted the grading, drainage, erosion and sediment control plan. Note #9 on the plan sheet referenced the proposal to construct a retaining wall. As such, staff recommends that construction plans and profiles of the retaining wall must be submitted for review and approval prior to Planning Commission approval.

Stormwater Management Plan: (Update: August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a Stormwater Management Plan. A Stormwater Management Plan was submitted on August 14, 2009 and based on staff review, the Stormwater Management Plan appears to comply with all applicable requirements.

The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that this item be continued to allow the applicant to submit the Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual.

Site Plan: (Update: August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan. A revised site plan was submitted on August 14, 2009 and based on staff review, the site plan appears to comply with all applicable requirements.

The site plan should include the location of existing and proposed utility services. Plans prepared by a registered professional engineer showing the location of existing and proposed water and sewer service and must be submitted for review and approval. As such, staff is recommending that this item be continued to allow the applicant to submit the required information.

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Drainage: (Update: August 18, 2009. All revised and/or added text is shown in bold print.)

This item was continued at the August 7, 2009 Planning Commission meeting to allow the applicant to submit a drainage plan. A drainage plan was submitted on August 14, 2009 and based on staff review, the drainage plan appears to comply with all applicable requirements.

However, the drainage plan identifies a pump located in the northwest corner of the building. The pump is intended to manage the stormwater runoff. Prior to building permit review and approval, the pump specifications, an operation and maintenance agreement for the pump and all appurtenances as well as the swale and drainage are necessary to ensure future operation of the proposed system. Although the pump complies with the regulations, staff recommends that the proposed pump used to address the stormwater runoff be redesigned to eliminate the additional expense of the pump operation and maintenance. Utilization of the natural drainage channel provides long-term cost-effective stormwater runoff design.

The grading and drainage plan prepared by a Registered Professional Engineer for the legally described property reflects an increase in pre-development flow rates, thus requiring on-site detention. Calculations for the detention facility must be submitted for review and approval in order to comply with Section 8.48.020 of the Rapid City Municipal Code. As such, staff is recommending that this item be continued to allow the applicant to submit the required information.

Once the plans are reviewed and approved, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Staff recommends that the SDCL 11-6-19 Review to allow expansion of an existing structure on public property be continued to the August 27, 2009 Planning Commission meeting to allow the applicant to submit the required information.

The location and extent of the proposed project appears to be consistent with the City's adopted Comprehensive Plan if the parking and retaining wall issues are addressed. As such, staff recommends that the SDCL 11-6-19 Review to allow expansion of an existing structure on public property be approved if the parking and retaining wall issues are addressed prior to the Planning Commission meeting.