

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Black Hills Lutheran Schools Association, Inc.
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Our Redeemer Lutheran Church
REQUEST	No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School
EXISTING LEGAL DESCRIPTION	Lots 24-38 of Block 9 of Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.21 acres
LOCATION	910 Wood Avenue
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
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 water and sewer
DATE OF APPLICATION	9/24/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

1. A minimum 24.2 feet front yard setback along the west property line and a minimum 32 foot side yard setback from the north property line shall be authorized for the existing structures. Any expansion, additions or reconstruction of the building in the event the existing building is removed or damaged beyond 50% of its value, shall comply with the minimum 35 foot required setback for a church in a Medium Density Residential Zoning District or a Major Amendment to the Planned Residential Development shall be

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

- obtained;
2. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
 3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
 4. A minimum of 29 off-street parking spaces shall be provided at Phase One of development. A minimum of 32 off-street parking spaces shall be provided at Phase Two of development. A minimum of 34 off-street parking spaces shall be provided at Phase Three of Development. In addition, a minimum of two handicap accessible spaces with one "van" handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of the Off-Street Parking Ordinance shall be continually met;
 5. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Residential Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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 Residential Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 6. A minimum of 38,090 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 7. The property shall be used as a church and a middle school. Any change in use will require a Major Amendment to the Planned Residential Development;
 8. 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 motorists;
 9. Prior to issuance of a Building Permit, a revised detail for the dumpster screening fence shall be submitted for review and approval;
 10. All altered portions of the building shall be made handicap accessible; and,
 11. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule. Phase One shall commence within two years of the date of approval by the Planning Commission. Phase Two shall commence within three years of the date of approval by the Planning Commission. If Phase Two has not commenced within three years of the date of approval by the Planning Commission, a Major Amendment for Phase Two shall be obtained prior to its commencement. Phase Three shall commence within five years of the date of approval by the Planning Commission. If Phase Three has not commenced within five years of the date of approval by the Planning Commission, a Major Amendment shall be obtained prior to its commencement. In addition, the Major Amendment to the Planned Residential Development shall expire if the use as approved has ceased for a period of two years.

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Planned Residential Development request for the property located at 910 Wood Avenue. In particular, the applicant has indicated that a middle school will be added to the existing church building located on the property. The applicant has indicated that the proposed middle school will be added to the existing building in three phases. In Phase One, the applicant has proposed to initiate a sixth grade education program for a maximum of 20 students with one instructor and one administrator. Phase One is proposed to be implemented upon approval of the final development plan and completed to accommodate school opening on September 1, 2011, with final construction completed by December 31, 2011. In Phase Two, the applicant is proposing to add a seventh grade education program to accommodate a maximum additional 20 students with one additional instructor and one additional administrator. Phase Two is scheduled to be completed to accommodate school opening on September 1, 2012, with final construction completed by December 31, 2012. In Phase Three, the applicant is proposing to add an eighth grade education program to accommodate a maximum additional 20 students with one additional instructor. Phase Three is scheduled to be completed within 3-5 years of the approval of the Final Development Plan.

On April 8, 2004, the Planning Commission approved with stipulations a Planned Residential Development – Initial and Final Development Plan (#04PD023) to allow a church to operate within the vacant 14, 410 square foot building in a Medium Density Residential Zoning District. The stipulations of approval included:

1. A minimum front yard setback of 25 feet and a minimum 32 foot side yard setback from the north property line shall be allowed for the existing structures. Any expansion or additions shall comply with the minimum 35 foot required setback for a church in a Medium Density Residential Zoning District or a Major Amendment to the Planned Residential Development shall be obtained;
2. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer;
4. Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and fire alarm system;
5. All applicable provisions of the Uniform Fire Codes shall be continually met;
6. Prior to issuance of a Building Permit, a profile and plans stamped by a licensed engineer must be submitted for any water main extensions larger than six inches;
7. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
8. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing one van accessible handicap parking stall;
9. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the alley being paved to City minimum construction standards from Van Buren Street through the driveway access to the parking lot;
10. Prior to construction or conversion of any sign on the property, a sign permit shall be obtained;

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

11. Prior to Planning Commission approval, a revised site plan shall be submitted showing the tree located in the same location as an existing power pole in the parking lot along the east property line, in a location that will not interfere with any existing utilities;
12. A minimum of 38,090 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. 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; and,
14. Should the applicant fail to acquire the property, the Planned Residential Development will no longer be in effect, and the property will be unencumbered by any such designation.

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

Setbacks: The previously approved Planned Residential Development granted the exception allowing a 25 foot front yard setback for a church in a Residential Zoning District in lieu of the required 35 feet. In addition, an exception was granted allowing a 32 foot side yard setback along the north property line in lieu of the required 35 feet. However, a recent site survey identified that the front yard setback along Wood Avenue is actually only 24.2 feet. Staff recommends that the exception request to allow a 24.2 foot front yard setback along Wood Avenue be approved. The previously granted exception will remain valid with this Major Amendment. However, the applicant should be aware that any expansion of the existing building or structural additions to the property, including the reconstruction of the building should the existing building be removed or damaged beyond 50% of its value, must comply with the required setbacks for a church in a Residential Zoning District or a Major Amendment to the Planned Residential Development must be obtained.

Use: As previously noted, the applicant is proposing to use the site for a middle school. The property is located in a Medium Density Residential Zoning District. A middle school is a Conditional Use in the Medium Density Residential Zoning District. All requirements of the Medium Density Residential Zoning District must continually be met or as stipulated as a part of this Major Amendment to a Planned Residential Development or any subsequent Major Amendment.

Phasing: The applicant has indicated that the proposed development for the property will occur in three phases as follows:

Phase One:

- Initiate a sixth grade education program for a maximum of 20 students with one instructor and one administrator beginning in the fall of 2011.
- Construction for Phase One will involve interior modifications to the existing building only including the removal of two walls for classrooms, open three walkways by removing portions of three additional walls and refurbish floors, walls and ceilings of all rooms, entryway and hallways. In addition, the roof will be reshingled.

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

- Phase One will be implemented upon approval of this Major Amendment and construction will be completed to accommodate school opening September 1, 2011, with final construction completed by December 31, 2011.

Phase Two:

- Initiate a seventh grade education program for a maximum of 20 students with one instructor and one administrator. Phase Two will result in a maximum of 40 students and two instructors and two administrators for the school.
- Construction for Phase Two will involve interior modifications to the existing building only including the removal of several walls to enlarge a classroom and refurbish the floors, walls and ceiling. In addition, one hallway door will be relocated and two restrooms will be constructed.
- Phase One will be complete to accommodate school opening September 1, 2012, with final construction completed by December 31, 2012.

Phase Three:

- Initiate an eighth grade education program for a maximum of 20 students with one instructor. Phase Three will result in a maximum of 60 students and three instructors and two administrators for the school.
- Construction for Phase Three will involve interior modifications to the existing building only including the remodeling of the lower level of the building and separating the utilities so that the church and school uses will be metered separately for electric, gas and water usage.
- Phase Three will be implemented with 3 to 5 years of approval of this Major Amendment to the Planned Residential Development.

Staff recommends that the proposed development plan be constructed as outlined in the proposed phases. The site plan submitted by the applicant has demonstrated that the parking and landscaping requirements for each phase of development will be met. A building permit will be required for the renovations included in all phases. All altered portions of the building must be made handicap accessible. In addition, the Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule, with the final phase of development commencing in 2015, or if the use as approved has ceased for a period of two years.

Parking: The previously approved Final Development Plan required that a minimum of 26 spaces must be provided for the church use. The submitted parking plan identifies that 40 off-street parking spaces including two handicap spaces are being provided. The addition of the proposed Phase One will require that an additional 3 spaces be provided on the property. The addition of Phase Two will require that an additional 3 spaces be provided and the addition of Phase Three will require an additional 2 parking spaces. Altogether, the total additional parking required at the completion of all three proposed phases of development will require an additional 8 spaces. The submitted parking plan identifies that the existing parking provided on the property will meet the requirements for the existing and proposed uses. Staff recommends that the parking be continually maintained as per the

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School **ITEM 3**

approved parking plan and in compliance with all requirements of the Off-Street Parking Ordinance.

Landscaping: The previously approved Final Development Plan required that a minimum of 38,090 landscape points be provided on the property. The proposed development will not lead to a change in the required landscape points as all modifications are interior only. However, the submitted landscape plan identifies that 39,220 landscape points are being provided, exceeding the required number of points. Staff recommends that the landscaping be continually maintained in a live vegetative state, continually kept free of refuse and debris and replaced when necessary.

Church Use: The existing church use on the property will continue with the addition of the middle school. The applicant has indicated that the church uses the building on Sunday mornings, Wednesday evenings and occasionally on Saturday mornings as well as occasionally for other various activities scheduled at various times throughout the week. The school will use the building from 6:00 a.m. to 6:00 p.m. Monday through Friday and occasionally in the evenings for various uses. The applicant has indicated that special consideration will be taken to avoid conflicts between the two uses of the property.

Graveled Area: The submitted site plan identifies a graveled area between the building and the north and east property lines. The applicant should be aware that this area cannot be used for parking unless it is brought into compliance with Section 17.50.270 of the Rapid City Municipal Code.

Signage: There are three existing signs located on the property for the existing church use. A 2 foot 8 inch tall by 16 foot wide sign is located on the west side of the property facing Wood Avenue. The sign displays the message "Our Redeemer Lutheran Church" in non-illuminated black letters attached to the side of the building. In addition, a 3 foot 4 inch tall by 2 foot 4 inch wide sign is located near the building entrance facing Wood Avenue on the west side of the building. This sign is non-illuminated and displays information for the church. An existing pole sign is located on the southwest corner of the property near the intersection of Wood Avenue and Van Buren Street. The pole sign is 4 feet tall and 7 feet wide and displays information for the church. The sign also includes a static reader board sign with removable typeface.

The applicant has indicated that the existing static reader board pole sign may be used to post messages for school activities. However, no additional signage for the school use is being proposed as part of this Major Amendment. All existing signage on the property meets the requirements of the Sign Code. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Planned Residential Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

STAFF REPORT
October 21, 2010

No. 10PD061 - Major Amendment to a Planned Residential Development to allow a School ITEM 3

Dumpster Screening: The submitted site plan identifies that dumpsters will be located on the east side of the building adjacent to a retaining wall within the parking lot adjacent to the alley. The applicant submitted details of the proposed dumpster screening indicating a chain link fence to be used as screening. The applicant should be aware that the proposed open chain link fence does not provide adequate screening for the dumpsters. As such, prior to issuance of a building permit, a revised detail of the fence must be submitted identifying that the fence will provide the required screening.

Fire Code: All applicable provisions of the currently adopted International Fire Code shall be continually met.

Building Permit: A Building Permit must be obtained prior to each phase of construction and a Certificate of Occupancy must be obtained prior to occupancy. In addition, prior to issuance of a Building Permit, construction plans must be submitted stamped prepared by a registered professional as per South Dakota Codified Law 36-18A.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the October 21, 2010 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Major Amendment to a Planned Residential Development be approved with the stipulations as identified above.