

STAFF REPORT

June 7, 2012

No. 12PD021 - Final Planned Development Overlay

ITEM 4

GENERAL INFORMATION:

APPLICANT	Peter Anderson - MAC Construction Co., Inc.
PROPERTY OWNER	Cathedral of Our Lady of Perpetual Help - Father Michel Mulloy
REQUEST	No. 12PD021 - Final Planned Development Overlay
EXISTING LEGAL DESCRIPTION	Lots 17 thru 27 of Block 3 of Denman's Addition located in the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.2 acres
LOCATION	At the northeast corner of Elm Avenue and East Kansas City Street
EXISTING ZONING	High Density Residential District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	High Density Residential District (Planned Development)
South:	Park Forest District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	5/11/2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay be approved with the following stipulations:

1. An exception is hereby granted to allow a reduced minimum front yard setback from 35 feet to 20 feet along Elm Avenue;
2. An exception is hereby granted to allow a reduced minimum front yard setback from 35 feet to 20 feet along East Kansas City Street;
3. An exception is hereby granted to allow a reduced minimum parking requirement of 26 parking stalls in lieu of the required 34 parking stalls. A minimum of 26 parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
4. A building permit shall be obtained prior to any construction and a Certificate of

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- Occupancy shall be obtained prior to occupancy;
5. Prior to issuance of a building permit, an easement shall be recorded for the proposed private storm sewer which crosses an adjacent property;
 6. Prior to issuance of a building permit, the applicant shall enter into a Right-of-Entry Agreement to allow the City access to a water service valve on private property;
 7. Prior to issuance of a building permit, structural design plans by a Professional Engineer for any retaining wall over four feet in height shall be submitted for review and approval;
 8. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
 9. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 10. All applicable provisions of the adopted International Fire Code shall continually be met;
 11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 12. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 13. A minimum of 38,362 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 14. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Final Planned Development Overlay. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. 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;
 15. 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;
 16. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
 17. The Final Planned Development Overlay shall allow the property to be used as a church. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to construct an 11,476 square foot church facility called the "Newman Center". A church is a Conditional Use in the High Density Residential District. The Newman Center will be located adjacent to the South Dakota School of Mines and Technology campus and will serve as a place of worship and a gathering place for students. The proposed structure will include a 128 seat chapel, social

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areas, a kitchen, restrooms and a caretaker's apartment. The Newman Center will operate from late morning through the evening hours. The proposed structure is a one-story building with a walk-out basement and consists of a 5,738 square foot building footprint. The applicant is requesting an exception to the required front yard setbacks on Elm Avenue and East Kansas City Street. In addition, the applicant is requesting a reduction in the minimum required parking.

The properties were platted in 1883 and annexed into Rapid City in 1888. In 1968 the properties were zoned High Density Residential District.

The properties are located north of East Kansas City Street between Elm Avenue and Birch Avenue just west of the South Dakota School of Mines and Technology. Currently, the properties are undeveloped.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The properties are located north of East Kansas City Street between Elm Avenue and Birch Avenue just west of the South Dakota School of Mines and Technology. The properties are currently undeveloped.

2. *The location, character and design of adjacent buildings:*

The property to the north is zoned High Density Residential with a Planned Development. Currently, a six story apartment building is being constructed. The properties to the east and west are zoned High Density Residential and have one-story residential structures. The property to the south is zoned Park Forest District and is currently undeveloped.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing. Landscaping will provide partial screening. In particular, the applicant has submitted a landscaping plan that shows a total of 40,175 landscaping points to be provided. A minimum of 38,362 landscaping points must be provided for the proposed development. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

4. *Proposed vegetation, topography and natural drainage:*

Staff has identified a number of site issues that must be addressed prior to issuance of a building permit. Revised plans addressing the redline comments must be submitted for review and approval prior to issuance of a building permit. The applicant must submit structural design plans by a Professional Engineer for any retaining wall over four feet in height for review and approval.

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The site slopes from the southwest to the northeast. The plans submitted with the application show a stormwater detention pond in the northeast corner of the proposed development. A private storm sewer extends from the detention pond across the property to the north and ties into the City's storm drain on East Saint Joseph Street. Prior to issuance of a building permit, the applicant must secure an easement for the proposed private storm sewer which crosses an adjacent property.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access to the site is provided off East Kansas City Street to the south. Currently, a Vacation of Right-of-Way application has been submitted for the alley to the north between Elm Avenue and Birch Street. Pedestrian access to the site is provided by a proposed extension of property line sidewalk along East Kansas City Street that ties into existing curb side sidewalk along Elm Avenue.

The applicant is requesting a reduction in the minimum parking requirement to allow 26 parking stalls in lieu of the required 34 parking stalls. For a church with 128 seats and a caretakers apartment a total of 34 parking stalls are required. The applicant has submitted a parking plan showing a total of 26 parking stalls with two of the spaces being handicap parking stalls. One of the handicap spaces is "van accessible". The applicant has indicated that the proposed facility is to be used by South Dakota School of Mines and Technology students who can either walk or bicycle to the facility. The applicant is anticipating that the primary users of the proposed facility will walk or bike in lieu of driving. As such, the applicant is proposing to install bicycle racks on the north and east side of the proposed structure to accommodate students who may ride their bicycles. In addition, using ITE Parking Generation estimates a church with 128 seats will need approximately 21 parking stalls. Based on these reasons, staff recommends that an exception be granted to allow 26 parking stalls in lieu of the required 34 parking stalls. A minimum of 26 parking spaces must be provided. In addition, one of the parking spaces must be handicap "van accessible". All provisions of the Off-Street Parking Ordinance must be continually met.

6. *Existing traffic and traffic to be generated by the proposed use:*

The proposed 128 seat church facility will generate approximately 79 trips per weekday, approximately 237 trips per Sunday and approximately 79 trips per Sunday peak hour.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package for a ground sign that states "Catholic Newman Center." The proposed sign will be located on the southwest corner of the site and is in compliance with the sign code. All signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be

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allowed as a Minimal Amendment to the Final Planned Development Overlay. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Final Planned Development Overlay. 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.

The applicant is proposing to install three lights located in the parking lot. All outdoor lighting must 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.

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water. The proposed water service valve is located on private property and requires that and the applicant sign a Right-of-Entry Agreement to allow the City to access the valve. As such, prior to issuance of a building permit, the applicant must enter into a Right-of-Entry Agreement to allow the City access to a water service valve located on private property.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The Zoning Ordinance is the tool that implements the Comprehensive Plan. The applicant is proposing to construct a one-story structure with a walk-out basement including a chapel, kitchen, social gathering areas and a caretakers apartment. The total square footage of the structure is 11,476 square feet with a 5,738 square foot building footprint. The proposed church is a Conditional Use in the High Density Residential District. One of the goals of the City's adopted Comprehensive Plan is to provide a variety of centers for community activities and employment. These facilities should meet the needs of residents and be integrated into the fabric of the community. The proposed church will provide a service for the residents located in the area.

All provisions of the High Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment. The Final Planned Development Overlay will allow the property to be used as a church. Any change in use that is a permitted use in the High Density Residential District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District will require the review and approval of a Major Amendment to the Final Planned Development Overlay.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The applicant is requesting an exception to allow a reduced minimum front yard setback from 35 feet to 20 feet along East Kansas City Street and Elm Avenue. There appears to be excessive right-of-way on East Kansas City Street and Elm Avenue. The wide

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boulevard areas on both East Kansas City Street and Elm Avenue effectively provide an additional setback from the lot lines to the existing paved streets. This is in addition to the requested 20 foot front yard setbacks. Reducing the minimum required front yard setbacks will continue to provide open space which is shown on the submitted plans to accommodate pedestrian access, drainage and vegetation. The proposed structure does not interfere with any pedestrian or vehicle sight triangles. Topographical constraints exist on the north of the site limit relocating the structure on the property. Planning Commission approved a reduction in the required front yard setbacks for the apartment building located on the property to the north. In addition, the existing rights-of-way provide for sufficient street, utility and on-street parking where permissible. Based on these reasons, staff recommends that the exceptions be granted to allow a reduced minimum front yard setback from 35 feet to 20 feet along East Kansas City Street and Elm Avenue.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:

The size of the developed area is over one acre. As such, an Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval will ensure that the proposed facility is in compliance with the Zoning Ordinance, Building Code and International Fire Code.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Fire Department: The applicant has coordinated with the Rapid City Fire Department to meet the applicable requirements of the International Fire Code. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: The white slips and green cards have been returned. The required sign has not been posted on the property. As of this writing, staff is not aware if the sign has been posted. Staff will conduct a site visit before the June 7, 2012 Planning Commission meeting and will notify the Planning Commission at the meeting if this requirement has not been met.