

STAFF REPORT

April 9, 2015

No. 15PD008 - Final Planned Development Overlay to allow a church in the Medium Density Residential District **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Wellsprings dba Wellfully
PROPERTY OWNER	Wellspring Inc.
REQUEST	No. 15PD008 - Final Planned Development Overlay to allow a church in the Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 2 thru 15, Lots 18 thru 37 (also in Section 4) of Block 9 of The Cottonwoods Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.28 acres
LOCATION	3402 Cottonwood Street
EXISTING ZONING	Medium Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 13, 2015
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a church in the Medium Density Residential District be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of the church use;
2. All parking shall continue to comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan;
3. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;

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4. All future signage shall comply with the requirements of the Rapid City Sign Ordinance. Changes to existing signage other than changes to the faces on existing signs will require a Major Amendment to the Planned Development. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. A sign permit shall be obtained for each sign;
5. All lighting shall be designed to preclude shining on adjacent properties or rights-of-way so as to be a nuisance to neighboring properties or passing traffic;
6. All requirements of the International Fire Code shall be continually maintained;
7. All requirements of the Medium Density Residential District shall be continually maintained unless specifically authorized as a subsequent Major Amendment to the Planned Development, and;
8. This Final Planned Development shall allow for use of the existing structure as a church and a teen care facility. All office uses located on the property shall be accessory to the existing teen care facility and/or the church. Conditional uses in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development to allow a church to be located on property zoned Medium Density Residential District. On February 5, 2007, the City Council approved a Conditional Use Permit to allow a teenage care center to be located on the property (File #06UR023). The care center functioned as an in-patient group home serving at-risk teens operated by Wellspring, Incorporated. Today, the in-patient aspect of the facility has been eliminated. The property currently serves as administrative offices for Wellspring and an after-school program for teenage children providing services for a maximum of 10 children a day, during the work week. The submitted operations plan also identifies a maximum parking demand of 25 spaces for staff and clients. The after-school facility operates Monday through Friday in the afternoon while the offices operate Monday through Friday.

Today the applicant is proposing to utilize approximately 12,296 square feet of the existing facility to allow for the relocation of Bighorn Community Church on the property. Bighorn Community Church has a congregation of approximately 125 members and is proposing to utilize the building primarily on the weekends. The previously approved Conditional Use Permit required a total of 100 parking spaces be provided on the site for the in-patient teenage care center and all administrative office. Based on the existing uses on the property and the parking requirements for the church, the parking demand will be reduced. However, due to the existing requirement for 100 parking spaces to be located on the property, the applicant has requested an Exception to reduce the required amount of parking on the site. The balance of the structure, a total of approximately 7,935 square feet, will continue to be utilized by Wellspring, Incorporated as their administrative offices and teenage care center. No other Exceptions are being required as a part of this Final Planned Development.

STAFF REVIEW: Staff has reviewed the request for a Major Amendment to the Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

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There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 2.28 acres of property zoned Medium Density Residential District with a Planned Development Designation. The area is in a well established residential neighborhood. Submitted plans show that the existing structure on the site has a 20 foot setback to Cottonwood Street located on the south side of the property and is considered legally non-conforming. No additions or expansions to the existing structure are being proposed as a part of this Final Planned Development and, as such, the structures on the property remain legally non-conforming today. Any revisions or changes to the structures on the site will require that the property be brought into compliance with the requirements of the Rapid City Municipal Code. It does not appear that there are any conditions on the property due to its size, shape, or topography which would limit the development of the site.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

As previously noted, the property is currently located within a Planned Development Designation boundary, requiring that the property be developed through the Planned Development process. The required Final Planned Development will allow a review of the existing and proposed uses on the property and the resulting off-street parking requirements. The application of these regulations does not create a practical difficulty or undue hardship on the property.

Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;

Based on the previously approved Conditional Use Permit on the property, a minimum of 100 parking spaces must be provided on the property. Based on the submitted operations plan and the uses proposed on the property as a part of this Final Planned Development, a total of 57 parking spaces are required for the proposed administrative offices, the after school program, and the church. The applicant's submitted letter of intent states that the church will operate during hours opposite those of the existing offices and, as such, a conflict in parking will not occur. Submitted plans show that a total of 102 legally complying parking spaces are currently located on the property. As such, no Exception to reduce the required amount of off-street parking is required. A minimum of five of the provided parking spaces must be handicap accessible. One of the provided handicap parking spaces must be "van accessible". All parking must continue to comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The Medium Density Residential District is intended to provide the City with a district for the medium to high density residential development. Churches are a conditional use in the Medium Density Residential District. A literal interpretation of this chapter does not deprive

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the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

Existing Uses: The approved Conditional Use Permit on the property allows for the use of the property as a group home. Over time the in-patient group home use has been eliminated on the property and the facility is now primarily being used as administrative offices for Wellspring and an after school program for teenage children. The proposed church is a conditional use in the Medium Density Residential District. It should be noted that prior to development of this property with the group home, the facility served as a church for a number of years.

Signage: The existing sign on the property measures 58 inches wide by 16 inches tall and is currently legally non-conforming. The applicant has indicated that they will be replacing the face of the sign only and, as such, the sign remains legally non-conforming. The applicant should note that if the existing signage should be demolished or revised in any way, then signage will be required to be brought into compliance with the Rapid City Sign Ordinance, which permits one sign totaling 1 square foot of space to be located on the property.

Public Works comments: Public Works staff has not identified any issues with the proposed development. All future development of the property must be in compliance with the requirements of the Infrastructure Design Criteria Manual.

Rapid City Fire Department comments: The Rapid City Fire Department has not identified any issues with the proposed development. All requirements of the International Fire Code must be continually maintained.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

The applicant is proposed to redevelop a portion of the existing structures on the property with a church with 125 members. All parking, landscaping, building height, and setback requirements are being met. The Future Land Use Plan identifies this area as appropriate for an urban neighborhood, which may include such secondary uses as a church when servicing the needs of the neighborhood. Based on the nature of the proposed use, the use of the facility as a church in the past, the operating hours for the church as well as the existing office and after school programs on the property, and the excess of parking currently located on the site, it appears that the proposed and existing uses will not have a detrimental effect on the neighborhood. Based on these reasons, staff recommends that the Final Planned Development be approved with the stipulations noted above.

Notification Requirements: The letters of notification have been returned to Community Planning and Development Services for mailing. The sign has been picked up, but as of this writing staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the April 9, 2015 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the

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requested Final Planned Development.