

STAFF REPORT  
July 23, 2009

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**No. 09UR017 - Major Amendment to a Conditional Use Permit**

**ITEM 46**

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GENERAL INFORMATION:

APPLICANT/AGENT	Monica Sorensen Haeder
PROPERTY OWNER	Atonement Lutheran Church - Reverend John Mapa
REQUEST	<b>No. 09UR017 - Major Amendment to a Conditional Use Permit</b>
EXISTING LEGAL DESCRIPTION	Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.87 acres
LOCATION	602 Auburn Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/11/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, the first 50 feet of the driveway to the parsonage shall be paved;**
- 2. Prior to Planning Commission approval, three medium deciduous trees shall be planted as per the previously approved landscape plan. In addition, all the landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 3. Prior to Planning Commission approval, the applicant shall sign a waiver of right to protest any future assessment for the construction of a sidewalk along Haines Avenue as it abuts the property;**
- 4. A building permit and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. The currently adopted International Fire Code shall be continually met;**
- 6. Prior to issuance of a Certificate of Occupancy, the existing sidewalk located in the**

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- parking lot shall be extended to Auburn Drive and along Auburn Drive as it abuts the property as shown on the applicant's site plan;
7. The school shall be operated in compliance with the proposed operational plan. In particular, the school shall be a two phased project with the first phase consisting of four employees and 37 children and shall consist of a toddler program and a primary preschool/kindergarten program. In addition, the school shall operate Monday through Friday only between the hours of 8:00 a.m. and 11:30 a.m. with office hours from 7:00 a.m. to noon. The second phase shall consist of a maximum of six additional employees and 27 additional children and include grades 1 through 5. In addition, the school and office shall operate Monday through Friday only between the hours of 8:00 a.m. to 3:30 p.m.;
  8. The existing fenced playground located at the eastern end of the church shall be utilized by the school children. If the church is expanded in the future and the existing playground is eliminated, an alternate playground shall be constructed north of the existing playground as shown on the applicant's site plan. In addition, a six foot high chain link fence shall be constructed around the playground area;
  9. A minimum of 51 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible with one of the handicap spaces being "van" accessible;
  10. The Major Amendment to the Conditional Use Permit shall allow a school in conjunction with the previously approved church with a parsonage and equipment shed to be located on the property. Any change in use shall require a Major Amendment to the Conditional Use Permit; and,
  11. The Conditional Use Permit 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, July 10, 2009. All revised and/or added text is shown in bold print.) This item was continued at the July 9, 2009 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised site plan, a revised landscape plan and a fence elevation.**

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow a school in conjunction with an existing church on the property. In particular, the applicant has indicated that the school will be a two phased project with the first phase consisting of four employees and 37 children. In particular, the first phase will consist of a toddler program and a primary preschool/kindergarten program. The second phase will consist of a maximum of six additional employees and 27 additional children for grades 1 through 5.

On March 25, 2004, the Planning Commission approved a Conditional Use Permit (File #04UR002) to allow a church to be constructed on the property. In addition, the existing residence was allowed as a parsonage.

On May 5, 2005, the Planning Commission approved a Major Amendment to the Conditional Use Permit (File #05UR004) to revise the landscape plan.

The property is located north of the intersection of Auburn Drive and Haines Avenue on the

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west side of Haines Avenue. Currently, a church and parsonage are located on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Conditional Use Permit and has noted the following considerations:

Scope of Operation: As previously indicated, the school will be a two phased project with the first phase consisting of four employees and 37 children. In particular, the first phase will consist of a toddler program and a primary preschool/kindergarten program. In addition, the school will operate Monday through Friday between the hours of 8:00 a.m. and 11:30 a.m. with office hours from 7:00 a.m. to noon.

The second phase will consist of a maximum of six additional employees and 27 additional children and include grades 1 through 5. In addition, the school will operate Monday through Friday and will extend the school hours to 3:30 p.m. The office hours will also be extended to 3:30 p.m.

The applicant should be aware that a Building Permit and a Certificate of Occupancy must be obtained prior to initiating the use on the property. To date, the applicant has not submitted a sign package. If any signage is proposed, then a sign package must be submitted for review and approval as a part of this application. In addition, a sign permit must be obtained as needed for the signage.

Site Plan: The applicant's site plan does not show the entire property. In particular, the eastern portion of the property which includes the parsonage is not included on the site plan. In addition, the previously approved Conditional Use Permit required that the first 50 feet of the driveway as it extends from Auburn Drive to the parsonage be paved. To date, the driveway has not been paved as required. As such, staff recommends that the Major Amendment to the Conditional Use Permit be continued to allow the applicant to submit a revised site plan showing the parsonage. In addition, prior to Planning Commission approval, the first 50 feet of the driveway must be paved.

**(Update: July 10, 2009.) The applicant has submitted a site plan for the entire property which includes the parsonage. In addition, the site plan identifies that the first 50 feet of the driveway to the parsonage will be paved. Since this is an outstanding violation, staff recommends that the driveway be paved as previously required prior to Planning Commission approval.**

Landscaping: As previously noted, on May 5, 2005, the Planning Commission approved a Major Amendment to the Conditional Use Permit to revise the landscape plan. However, the previously approved landscape plan for the church does not match the landscape plan submitted with this application. As such, staff recommends that the Major Amendment to the Conditional Use Permit be continued to allow the applicant to submit a landscape plan showing that the existing landscaping is in compliance with the approved plan or identifying that the landscaping will be revised to comply with the approved plan. In addition, prior to Planning Commission approval, any required changes to the landscape plan must be completed.

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**(Update: July 10, 2009.) The applicant has submitted a landscaping plan identifying that the three missing medium deciduous trees will be planted. Since this is an outstanding violation, staff recommends that the trees be installed prior to Planning Commission approval.**

Sidewalk : Currently, a sidewalk is constructed along portions of the front of the church as it abuts the parking lot. In addition, a sidewalk is currently constructed along the eastern portion of Auburn Drive as it abuts the property. However, sidewalks do not exist along the western portion of Auburn Drive or along Haines Avenue as they abut the property. Since the proposed school and existing church are a community neighborhood facility, pedestrian access must be provided to the site. In particular, a sidewalk must be extended from the church to connect with the existing sidewalk along Auburn Drive as it abuts the eastern portion of the property. In addition, a sidewalk must be extended along Auburn Drive as it abuts the property. Staff recommends that the Major Amendment to the Conditional Use Permit be continued to allow the applicant to submit a revised site plan showing the extension of sidewalks as identified.

**(Update: July 10, 2009.) The applicant has submitted a site plan showing the extension of the existing sidewalk located in the church parking lot to Auburn Drive and along Auburn Drive as it abuts the property. Staff recommends that prior to issuance of a Certificate of Occupancy, the sidewalk be constructed as proposed.**

Since sidewalks do not exist along this portion of Haines Avenue, requiring a sidewalk along the street as it abuts the property would not provide a pedestrian connection to any existing walkway at this time. However, staff recommends that prior to Planning Commission approval, the applicant sign a waiver of right to protest any future assessment for the improvement to insure that they participate in the construction of a sidewalk when a sidewalk is extended along this portion of Haines Avenue.

Playground: The applicant has indicated that the existing fenced playground located at the eastern end of the church will be utilized by the school children. However, the church has identified this area as a future expansion for the church. As such, staff recommends that the Major Amendment to the Conditional Use Permit be continued to allow the applicant to identify an alternate play area in case the church proceeds with their expansion project and eliminates the playground area. If the play area is shown outside the building, then it must be fenced to insure separation between the children and Haines Avenue. Prior to Planning Commission approval, the site plan must be revised to identify the location of the fence and an elevation of the fence must be submitted for review and approval.

**(Update: July 10, 2009.) The applicant has submitted a site plan showing a future playground area to be located north of the existing playground. This playground will be constructed if the church should ever expand and eliminate the existing playground. The applicant has also submitted a fence elevation showing that a similar six foot high chain link fence will be constructed around the future playground.**

Parking: A minimum of 51 parking spaces are required for the existing church and the proposed

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school. The applicant has submitted a site plan showing that 70 parking spaces are currently being provided on the property. In addition, three of the parking spaces are handicap accessible with one of the handicap spaces being "van" accessible. The existing parking is sufficient for the existing and proposed use(s).

Notification Requirement: **The receipts from the certified mailings have been returned and the sign has been posted.** Staff has received several calls of inquiry regarding this proposal.