

STAFF REPORT

November 22, 2000

UOR #00UR038 - Use on review to allow a Church in the Office Commercial Zoning District

ITEM 21

GENERAL INFORMATION:

PETITIONER	Jim Scull, Jr.
REQUEST	UOR #00UR038 - Use on review to allow a Church in the Office Commercial Zoning District
LEGAL DESCRIPTION	Lot 13 Less Lot H-3, Block 1 of Owen Mann Tract located in the SE1/4 SE1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .29 Acres
LOCATION	At the intersection of 32nd Street and West Chicago
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use on Review to allow a Church in the Office Commercial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a revised site plan shall be provided that shows that the approach to the parking area on the eastside of the building has been removed;
2. Applicable Old Lime Creek Drainage Basin Fees shall be paid upon issuance of a building permit;

Fire Department Recommendations:

3. Prior to City Council approval, a revised site plan shall be submitted identifying the location of fire hydrants within 250 feet of the Kinney Street access;

Building Inspection Division Recommendations:

4. Prior to City Council approval, a complete set of interior floor plans shall be submitted;
5. A building permit for change of use shall be obtained prior to any construction;

STAFF REPORT

November 22, 2000

**UOR #00UR038 - Use on review to allow a Church in the
Office Commercial Zoning District**

ITEM 21

6. A Temporary Certificate of Occupancy shall be obtained prior City Council approval;
7. A final Certificate of Occupancy shall be obtained prior to the expiration of the temporary Certificate of Occupancy;
8. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;

Urban Planning Division Recommendations:

9. Prior to City Council approval, a revised site plan shall be submitted identifying a minimum of nine parking spaces with one being a van accessible handicap space;
10. Prior to City Council approval, a revised site plan shall be submitted showing paved access to the Kinney Avenue parking area; and,
11. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the off-street parking lot lighting.
12. Prior to issuance of a Temporary Occupancy Permit, the petitioner shall either complete the improvements or post financial surety in the amount necessary to cover the cost of the improvements and then complete the improvements within one paving season.

GENERAL COMMENTS: The applicant is requesting approval of a Use on Review to allow a church in an existing building on the above legally described property. In April, 1965 the City approved an application for a building permit to allow for the construction of a single family dwelling on this property. The property was rezoned from Medium Density Residential to Office Commercial in September, 1986. In May, 1987 a building permit was issued to remodel the home for office use. Building Inspection staff noted in May, 2000 that this property was being occupied as a church without a building permit for a change of use or a Certificate of Completion being approved. This Use on Review request was received on September 27, 2000 in order to bring the property into compliance with the Rapid City Municipal Code.

STAFF REVIEW: Staff has reviewed this request and has identified the following considerations:

Parking – Staff has reviewed the proposed use with respect to Section 17.50.270 of the Rapid City Municipal Code and determined that a minimum of nine parking spaces are required with one stall being a van accessible handicap space. The site plan submitted by the petitioner proposes eight parking stalls in the front of the subject property and two in the rear. The two stalls in the back will be accessed from 32nd Street; however both stalls are less than twenty feet from the 32nd Street right-of-way. Section 17.50.270 of the Rapid City Municipal code requires a minimum twenty-six foot access aisle for ninety degree parking stalls and states "...that circulation within a parking area shall be such that a vehicle need not enter a public right-of-way backwards." It appears that the nine parking stalls could be located south of the proposed church. The two parking spaces located immediately adjacent to Kinney Avenue do not provide a minimum 26 foot wide access aisle. Staff is requesting that a revised site plan be submitted in compliance with the regulations of the Off-Street Parking Ordinance.

STAFF REPORT

November 22, 2000

**UOR #00UR038 - Use on review to allow a Church in the
Office Commercial Zoning District**

ITEM 21

Access - The front parking area will be accessed from Kinney Ave, which is not paved along the frontage of the subject property. The Rapid City Municipal Codes states that "Unpaved access to parking facilities is not permitted except for single-family and duplex uses. All commercial and industrial uses intending to utilize an unimproved access for parking facilities shall bear the cost of paving the access way to City minimum construction standards." The Engineering Division has also noted that the access on 32nd Street is not located 115 feet from the intersection of 32nd Street and W. Chicago Street as required. Therefore the Engineering Division is requiring that this access location be eliminated.

Lighting – The applicant has indicated on the application that this building will be used for church functions on Sundays and Wednesday evenings. Therefore staff is recommending that lighting be installed in the parking area. This lighting must be directed so as to reflect away from any residential districts, and shall be situated so as not to reflect directly onto any public right-of-way.

Fire Department – The site plan provided by the applicant does not show any hydrant locations. The Fire Department has indicated that a minimum of one hydrant supplying 1500 gpm within 250 feet of the parking lot access on Kinney Avenue must be provided. Therefore, a revised site plan identifying the location of existing and proposed fire hydrants must be submitted.

Notice Requirements -

As of this writing, the receipts from the certified mailing have not yet been returned by the petitioner. The required Use on Review sign has been posted on the property. Staff will notify the Planning Commission in the event these requirements are not met as required by the Zoning Ordinance. Staff has not received any telephone inquiries regarding this request.