

## STAFF REPORT

October 24, 2002

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### **No. 02UR026 - Conditional Use Permit to allow for a church in the Medium Density Residential District**

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**ITEM 40**

#### GENERAL INFORMATION:

PETITIONER	Colleen Oslund for TSP Three, Inc.
REQUEST	<b>No. 02UR026 - Conditional Use Permit to allow a church in the Medium Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Moon Ridge Subdivision, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.33 acres
LOCATION	Northwest of US Highway 16 and Moon Meadows Road
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District w/Planned Commercial Development
East:	General Commercial District w/Planned Commercial Development
West:	Suburban Residential District (County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	09/25/2002
REPORT BY	Jeff Marino

#### RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a church in a Medium Density Residential Zoning District be approved with the following stipulations:

#### Engineering Division Recommendations:

1. All required subdivision improvements shall be submitted on a site plan and approved prior to issuance of a building permit;
2. Utility Plans shall be submitted and approved prior to issuance of a building permit;
3. All sight triangle requirements must be continually met including American Association of State Highway and Transportation Officials requirements;
4. The applicant shall submit a site drainage plan showing design and construction in accordance with the Renner and Sperlich Drainage Study Prepared for this site prior to building permit issuance;

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---

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---

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5. Prior to the construction of the proposed future east access drive, a revised site plan shall be submitted showing a minimum separation of 115 feet between the proposed future east access drive and Moon Meadows Road easement;

#### Fire Department Recommendations:

6. The applicant shall submit a site plan showing adequate access for all emergency vehicles and fire apparatus prior to issuance of building permit;
7. The applicant shall submit a site plan showing fire hydrants as required by the City of Rapid City and the Uniform Fire Code;
8. All fire hydrants servicing the site shall be in place and operational prior to any building construction;
9. All weather access shall be in place prior to any building construction;
10. The applicant shall submit a site plan showing all streets, driveways, accesses, turnarounds and turning radii complying with the City Street Design Criteria manual and accommodate all Fire Department apparatus prior to issuance of a building permit;
11. The building shall be fully fire sprinklered and fire alarmed as per the Uniform Fire Code and NFPA standards;
12. Lot addresses shall be posted prior to or in conjunction with building construction;
13. No Building Permit, including a footings and foundations permit, shall be issued until City water is extended to property. However, the footings and foundations permit may be issued at the discretion of the Fire Chief depending upon the status of construction;

#### Air Quality Division

14. If an acre or more of land surface is disturbed the applicant shall apply for an Air Quality Permit;

#### Building Inspection Division:

15. The applicant shall submit complete architectural plans prior to issuance of a building permit;

#### Urban Planning Division Recommendations:

16. The applicant shall submit a signage plan prior to issuance of a building permit; and
17. The applicant shall comply with the City of Rapid City Municipal Code at all times.

**GENERAL COMMENTS:** The petitioner is proposing to construct a church in a Medium Density Residential Zoning District. A Conditional Use Permit is required for churches or similar places of worship in the Medium Density Residential Zoning District. The proposed church will be approximately 185 feet by 86 feet located on a 3.33 acre parcel.

On August 3, 1998, a Layout Plat was approved to create three lots as a combination residential/commercial development. The Layout Plat included the portion of the subject property located north of Moon Meadows Drive. The final plat was approved for this property September 3, 2002. Subsequently, on August 21, 2000 the City Council approved a rezoning of 15.185 acres to Medium Density Residential District.

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---

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STAFF REVIEW: Staff has reviewed this request with regard to the twelve requirements of Section 17.54.030 of the Rapid City Municipal Code for Use on Reviews and identified a number of issues that must be addressed including access.

The Major Street Plan identifies a future collector road to be located approximately 100 feet west of the subject property. The Traffic Engineer has indicated that at such time that the collector road is constructed, it may be appropriate for an access to be constructed from the collector road to the subject property and one of the proposed approaches along Moon Meadow Drive to be abandoned. However, the road is not currently constructed and, as such, staff supports allowing the two approaches as shown on the applicant's site plan to serve as access to the property at this time. The eastern most approach is located on an adjacent property requiring that an access easement be obtained from the underlying property owner prior to its construction. Staff is recommending that an access easement be recorded at the Register of Deed's Office prior to Planning Commission approval.

The submitted site plan shows 3,658 inches of bench space in the Church. The requirement for parking for a church use is .25 parking spaces per 18 inches of linear bench seat. This requirement will result in the need for 51 parking spaces. Since the site plan identifies 225 off street parking spaces, the applicant's proposal complies with the City's requirement for off street parking.

The site plan as submitted delineates that all structures will be located in compliance with all the setback requirements for the Medium Density Residential Zoning District. In addition, the site plan identifies the provision of 128,460 landscaping points fulfilling the minimum landscaping requirements of the zoning ordinance.

Staff has reviewed this request with the requirements for approval of a Conditional Use Permit, and believes the proposed development can be approved with the stated stipulations.

The required Conditional Use Permit Sign has been posted on the property, and the receipts from the certified mailing have not been returned as of the writing of this staff report.