

STAFF REPORT

March 25, 2004

No. 04UR002 - Conditional Use Permit to allow a church in Medium Density Residential District

ITEM 64

GENERAL INFORMATION:

PETITIONER	TSP Three, Inc. for Atonement Lutheran Church
REQUEST	No. 04UR002 - Conditional Use Permit to allow a church in Medium Density Residential District
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	4711 Haines Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	General Agriculture District (County)
West:	Low Density Residential District/Low Density Residential II District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/30/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

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

1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
2. **Prior to issuance of a Building Permit, calculations for the flows discharged must be submitted for review and approval;**
3. Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and fire alarm system;
4. Prior to initiation of construction, two hydrants, with one located on-site, must be provided;
5. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Lot 5 of Madison's Subdivision and Outlot's A and C of Auburn Hills Subdivision together, or the properties must be platted into one lot;

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6. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
7. The proposed structure shall conform architecturally to the plans and elevations submitted;
8. A minimum of 144,161 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed 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: (Updates to the staff report are shown in bold.) This item was continued from the March 4, 2004 Planning Commission meeting to allow the applicant time to submit the required information.

The applicant is requesting a Conditional Use Permit to allow a church in a Medium Density Residential Zoning District. The applicant is proposing to construct the church on the west side of Haines Avenue north of Auburn Drive. There is a single family residence currently located on the property. The total area of the proposed church site is 212,137.2 square feet or 4.87 acres.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted that a Building Permit must be obtained prior to any construction, and a Certificate of Occupancy must be obtained prior to occupancy of the building.

Drainage: Staff noted that no drainage, grading, or erosion information has been provided. Based on the high percentage of the site that will be covered with impervious surface a drainage, grading, and erosion control plan must be submitted to insure that adequate protections can be constructed with the development to mitigate the impacts of the proposed development. This information must be provided prior to Planning Commission approval. **On March 4, 2004 a grading plan was submitted. Prior to issuance of a Building Permit, calculations for the flows discharged must be submitted for review and approval.**

Fire Safety: Staff noted that the proposed structure must be fully fire sprinkled and fully fire alarmed. Staff also noted that two hydrants, with one located on-site, are required by the Uniform Fire Code. The hydrants must conform with the Uniform Fire Code, and be in place prior to initiation of construction.

Staff also noted that the minimum required fire flow water is 175 gallons per minute at 20 pounds per square inch.

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Developmental Lot/Platting: Staff noted that access to the subject property is obtained through Outlot A, which is located adjacent to the subject property and Auburn Drive. Staff also noted that a future access driveway to the subject property is proposed through Outlot C, which is also located adjacent to the subject property and Auburn Drive. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Lot 5 of Madison's Subdivision and Outlot's A and C of Auburn Hills Subdivision together, or the properties must be platted into one parcel.

Zoning Requirements: The proposed church will have a gross floor area of approximately 10,895 square feet. The building plans indicate that the structure will be approximately 31 feet in height as measured in accordance with the Zoning Ordinance. The steeple proposed for the building is 49 feet in height. The site plan submitted indicates 70 parking spaces provided with three of those being handicapped accessible. Thirty-eight additional parking stalls are proposed to provide sufficient parking for any future additions to the structure. Ordinance 17.50.270 of the Rapid City Municipal Code requires .25 parking stalls be provided for every seat or 18 inches of linear bench. A detailed floor plan must be provided to accurately determine if sufficient parking is provided. **On March 4, 2004 a detailed floor plan was submitted indicating 156 seats will be provided in the worship area of the church. As previously indicated 70 parking stalls are provided with three of the stalls being handicapped accessible. This exceeds the 39 parking stalls required by Section 17.50.270 of the Rapid City Municipal Code.**

Ordinance 17.50.300 of the Rapid City Municipal Code requires landscaping be provided for multiple-family zoning districts. The site plan submitted shows 169,710 landscaping points provided which exceeds the 144,161 required. The landscaping plan submitted shows numerous shrubs and trees located along the exterior of the parking lot which will provide a visual screening from the adjacent properties and streets.

Existing Single Family Residence: As previously stated there is a single-family residence currently located on the subject property. The applicant has indicated that the residence will be used as a parsonage which is allowed as an accessory structure to the church.

Notification: The green cards from the required notification of surrounding property owners have been returned, and a sign stating that a Conditional Use Permit has been requested is posted on the property. Staff has not received any comments regarding the proposed use.

Staff recommends approval of the Conditional Use Permit with the above stated stipulations.