

STAFF REPORT

May 6, 2004

No. 03UR019 - Conditional Use Permit to allow a church in a Medium Density Residential Zoning District **ITEM 34**

GENERAL INFORMATION:

PETITIONER	Alvin Ficek, Heartland GMAC Real Estate for the Rapid City Congregation of Jehovah's Witnesses
REQUEST	No. 03UR019 - Conditional Use Permit to allow a church in a High Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Lots 1 thru 4, Block 7; and Lots 5 and 6, Block 8; Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.31 acres
LOCATION	Along Oriole Drive
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District w/Planned Residential Development
East:	Medium Density Residential District/Public District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/21/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

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

- 1. Prior to issuance of a Building Permit, the drainage capacity in Morningside Drainage Basin Design Plan, Element 55, and all downstream elements must be verified;**
- 2. All applicable provisions of the Uniform Fire Codes shall be continually met;**
- 3. 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;**
- 4. Prior to Planning Commission approval, Final Plat approval must be obtained;**

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5. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
6. **The proposed structure shall conform architecturally to the plans and elevations submitted;**
7. **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,**
8. **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 April 8, 2004 Planning Commission meeting to allow the applicant time to submit the required information.

(April 23, 2004 Update) This item was continued from the April 22, 2004 Planning Commission meeting to allow the applicant time to obtain the required Preliminary and Final Plat approvals.

The applicant is requesting a Conditional Use Permit to allow a church in a High Density Residential Zoning District. The applicant is proposing to construct the church on the south side of Oriole Drive west of West Boulevard. There are two multi-family housing buildings located on the north side of Oriole Drive across from the proposed church site.

The proposed church site is located on Lots 1 through 4 of Block 7 and Lots 5 and 6 of Block 8. The total area of the proposed church site, which contains six lots and an undeveloped portion of Oriole Drive, is 104,040 square feet or 2.38 acres. As previously mentioned there is an undeveloped portion of Oriole Drive, which is a public right of way, located within the proposed church site. A separate application has been made to vacate that portion of Oriole Drive located between Lots 2 and 3 of Block 7 and Lots 5 and 6 of Block 8.

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:

Utilities:

The Engineering Division staff noted that any extension of the water main, whether it be public or a private system, will require that design plans by a professional engineer be submitted for review and approval prior to issuance of a Building Permit. The Engineering Division also noted that a site development plan must be submitted for water, sewer, storm drainage, street, or sidewalk improvements prior to issuance of a Building Permit.

As part of the companion Vacation of Right of Way request (03VR012) the Engineering Division staff noted that there are existing water and sewer mains located in the Oriole Drive right of

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way. That Vacation of Right of Way would eliminate access to the dead-end manhole, and place curbing and landscaping directly over the water main and sanitary sewer main. The site plan submitted shows the building in a location that would not interfere with the underground utilities located in the right of way; however, there would be parking, sidewalk, and landscaping located directly over them.

As part of that same companion request it was recommended that the area proposed for vacation would need to be retained as a utility easement. This would require that the property owner enter into a covenant to insure that all future removals and/or restoration of surface improvements be the sole responsibility of the owner. As of this writing that information has not been submitted. Staff noted that the applicant has submitted a plat request to combine the subject properties into one parcel. The applicant has indicated that they will request the right of way be vacated as part of that plat request. As such the companion Vacation of Right of Way request (03VR012) has been withdrawn at the applicant's request.

Drainage:

The Engineering Division staff noted that no storm water drainage information has been provided. Based on the high percentage of the site that will be covered with impervious surface, on-site detention may be necessary to preclude damage to down stream properties. Preliminary drainage information must be provided 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 of the request. As of this writing that information has not been submitted.

On March 12, 2004 the applicant submitted a drainage plan and calculations. Prior to issuance of a Building Permit drainage capacity in Morningside Drainage Basin Design Plan, Element 55, and all downstream elements must be verified.

Fire Safety:

The Fire Department staff noted that through conversations with Mr. Ernie Landrum, the Building Committee Secretary for the Rapid City congregation of Jehovah's Witnesses, the project was assumed to be an A-2.1 occupancy. The Uniform Fire Code identifies an A-2.1 occupancy as an assembly area with an occupancy load of 300 or more, without a legitimate stage. Based on this classification the required minimum fire flow would be 2500 gallons per minute and require three hydrants: one onsite and two located at a 450 foot spacing.

The Fire Department staff also noted that a fire detection and alarm system plus a fire sprinkler system will be required throughout the facility. A 96 foot cul-de-sac will be required at the end of Oriole Drive due to the access through the church parking lot, and that Oriole Drive will be the only access to the church. The parking lot layout and turning radiuses must accommodate the ladder truck.

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Building Permit:

The Building Inspection Division 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.

Access:

The approval of the companion vacation request (03VR012), without the requirement to replat the property into a single parcel, will result in an existing lot not having any legal access. Lot 5 of Block 8 will abut Oriole Drive by only one single point which does not provide sufficient access to the lot. The applicant has indicated that they would be willing to enter into a developmental lot agreement to tie Lots 2 and 3 of Block 7 and Lots 5 and 6 of Block 8 together; however, a developmental lot agreement will not prevent the owner from selling the lots individually which would leave Lot 5 of Block 8 with no legal access. Replatting the property into a single parcel would facilitate the vacation of the easement, allow the identification of the necessary easements, and insure that legal and physical access is provide to all lots. The applicant has received Planning Commission approval for a Layout Plat; however, at this time no Preliminary and Final Plat approvals have been obtained. As such staff is recommending this item be continued until Preliminary and Final Plat approvals are obtained.

(April 23, 2004 Update) On April 19, 2004 City Council approved the Preliminary Plat for the property. The administrative review and approval of the Final Plat could be obtained by May 5, 2004. As such staff is recommending this item be approved with the above stated stipulations.

Zoning Requirements:

The proposed church will have a gross floor area of approximately 8,464 square feet. The building plans indicate that the structure will be 32 feet in height. There is no steeple proposed for the building. The site plan submitted indicates 142 parking spaces provided with four of those being handicapped accessible. Ordinance 17.50.270 of the Rapid City Municipal Code requires .25 parking stalls will 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 12, 2004 the applicant submitted a revised floor plan indicating there would be 191 seats and space for four wheelchairs provided. The revised site plan submitted on March 12, 2004 shows 148 parking spaces provided with five of those stalls being handicapped accessible. This exceeds the 49 required by Section 17.50.270 of the Rapid City Municipal Code. The Rapid City Municipal Code Section 17.50.270 requires five handicapped accessible stalls be provided with one being van accessible. The site plan shows only four handicapped accessible stalls one being van accessible. The van accessible stall indicated does not have the access isle located on the driver's right hand side which is required by Rapid City Municipal Code. A revised site plan must be provided showing five handicapped accessible stalls with one being van accessible with the access aisle located on the drivers right hand side. As previously indicated a revised site plan was submitted showing five handicapped accessible stalls with one being van accessible.

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Ordinance 17.50.300 of the Rapid City Municipal Code requires landscaping be provided for multiple-family zoning districts. The site plan submitted shows 124,250 points provided which exceeds the 95,161 required. On March 12, 2004 a revised site plan was submitted showing 96,430 points provided which exceeds the 86,478 points required. The landscaping plan submitted shows numerous shrubs and trees along the exterior of the parking lot which will provide a visual screening from the adjacent properties and streets.

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 this item be approved with the above stated stipulations.