

STAFF REPORT
February 19, 2009

No. 09UR002 - Conditional Use Permit to allow a Church in a Medium Density Residential Zoning District **ITEM 26**

GENERAL INFORMATION:

APPLICANT	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints
AGENT	FMG, Inc.
PROPERTY OWNER	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints
REQUEST	No. 09UR002 - Conditional Use Permit to allow a Church in a Medium Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Lot 1 of Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.334 acres
LOCATION	2250 Moon Meadows Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District (Planned Development Designation)
East:	Public District
West:	Pennington County - Suburban Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/23/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, all necessary changes shall be made to the construction plan(s) as identified on the red lined drawings. In addition, the red lined

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- drawings shall be returned to the Growth Management Department;
3. Prior to the issuance of a building permit, the construction plans shall be revised to show a sidewalk along Moon Meadows Drive or a Variance shall be obtained as per the City's Sidewalk Ordinance. In addition, prior to issuance of a Certificate of Occupancy, the sidewalk shall be constructed;
 4. Prior to the issuance of a building permit or the start of construction, whichever occurs first, a drainage easement shall be obtained from the United States Forest Service for that portion of the drainage to be placed on their property or a revised drainage plan shall be submitted for review and approval as needed;
 5. Prior to the issuance of a building permit, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 6. The proposed structures shall conform architecturally to the plans and elevations and color palette approved as part of this Conditional Use Permit;
 7. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Conditional Use Permit;
 8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 9. A minimum of 78 parking spaces shall be provided. In addition, five of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 10. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Residential Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for each individual sign;
 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 12. The dumpster and exterior mechanical equipment shall be located as shown on the site plan and screened on all four sides as proposed;
 13. A minimum of 257,800 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 14. All currently adopted International Fire Codes shall be met;
 15. All provisions of the Medium Density Residential District shall be met unless an exception is specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
 16. The Conditional Use Permit shall allow a church with a pavilion and a mechanical shed to be constructed on the property. The class rooms, offices, gym, nursery and the kitchen and eating area shall be allowed as accessory uses to the church. Any change in use shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,
 17. The Conditional Use Permit shall expire if the use is not undertaken and completed

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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:

The applicant has submitted a Conditional Use Permit to allow a church with a covered pavilion and a mechanical shed to be constructed on the property. In particular, the applicant is proposing to construct a one story church with an approximate seating capacity of 312 occupants. In addition, the church will include class rooms, offices, a gym, a nursery, a kitchen and eating area, storage areas and bathrooms as accessory uses to the church. The pavilion is to be constructed southeast of the proposed church and the mechanical shed is to be constructed north of the church, adjacent to the north lot line of the property.

On October 24, 2002, the Planning Commission approved a Conditional Use Permit (File #02UR026) to allow a church on the property. However, the use was not undertaken and completed within two years of the date of approval by the Planning Commission and, subsequently, expired.

The property is located approximately 1,200 feet west of the intersection of Moon Meadows Road and U.S. Highway 16 on the north side of Moon Meadows Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Design Features: The applicant has submitted an elevation of the proposed church identifying a one story structure with a peaked roof and a steeple. The applicant has indicated that the building will be constructed with wood, glass, brick, Exterior Insulation and Finish System (EIFS), aluminum fascia and asphalt shingles. The applicant has also submitted an elevation of the covered pavilion showing wood pillars and a peaked asphalt shingled roof. An elevation for the mechanical shed has also been submitted identifying the shed as an approximate eight foot high structure constructed with a brick exterior finish and a peaked asphalt shingled roof. The building colors will be shades of brown, beige and green. In addition, the roof will be light brown in color.

Staff recommends that the proposed structures conform architecturally to the plans and elevations and color palette submitted as part of this Conditional Use Permit.

Parking: The applicant has submitted a floor plan showing that the church will have a seating capacity of 312 occupants. As such, a minimum parking requirement of 78 parking spaces must be provided. The applicant has submitted a Parking Plan showing 127 parking spaces being provided on the property. In addition, five of the parking spaces are handicap accessible with one of the spaces being "van accessible".

Staff recommends that a minimum of 78 parking spaces be provided as required. In addition, five of the parking spaces must be handicap accessible spaces. One of the handicap spaces must be "van accessible". All provisions of the Off-Street Parking

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Ordinance must be continually met.

Signage: The applicant has submitted a sign package showing a 2 foot 9 $\frac{3}{4}$ inch by 4 foot 7 $\frac{5}{8}$ inch wall sign displaying the name of the church and a 1 foot 3 $\frac{5}{8}$ inch by 1 foot 1 inch wall sign displaying the address. Both signs are shown to be placed on the west side of the proposed church. The applicant has indicated that the signs will be constructed with granite stone and will not be illuminated. In addition, the signs will be colored to match the proposed church.

Staff recommends that the signage conform to the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit must also be obtained for each individual sign.

Landscaping: A minimum of 129,277 landscaping points are required. The applicant's landscaping plan identifies that 257,800 points are being provided. In particular, the landscaping plan shows a row of trees consisting of Ponderosa Pine, Black Hills Spruce and Maple around the perimeter of the property. In addition, three landscape islands are being provided within the parking lot area to break up the large expanse of pavement.

Staff is recommending that the landscaping comply with the proposed landscaping plan. The landscaping plan must also comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Drainage: The applicant has submitted a drainage plan identifying a portion of the drainage from this development being detained on the adjacent property owned by the United States Forest Service. The applicant has also indicated that they are currently working on obtaining a drainage easement from the United States Forest Service.

Staff recommends that prior to the issuance of a building permit or the start of construction, whichever occurs first, a drainage easement be obtained from the United States Forest Service for that portion of the drainage to be placed on their property or a revised drainage plan must be submitted for review and approval as needed.

Fire: The Fire Department has indicated that all International Fire Codes must be met as a part of the design standards for the development. In particular, fire hydrants must be in place and operational prior to or in conjunction with building construction. The Fire Department staff has also indicated that the church must be fully fire sprinklered. In addition, the grades and location of access drives and/or streets must comply with the City Street Criteria Manual and the International Fire Code. An all weather drivable surface must be in place prior to any building construction on the site. The Fire Department has also indicated that an address must be posted on the site prior to or in conjunction with building construction. Staff

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recommends that all International Fire Codes be continually met.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the February 19, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.