

STAFF REPORT  
August 26, 2010

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**No. 10UR022 - Conditional Use Permit to allow a Church in a Low Density Residential Zoning District**      **ITEM 17**

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GENERAL INFORMATION:

APPLICANT/AGENT	Father Michel Mulloy
PROPERTY OWNER	Cathedral of Our Lady of Perpetual Help
REQUEST	<b>No. 10UR022 - Conditional Use Permit to allow a Church in a Low Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	The balance of Lot 2 of the NW1/4 SW1/4, Section 12, T1N, R7E, platted, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.87 acres
LOCATION	520 Cathedral Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District - Office Commercial District
East:	Low Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/12/2010
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

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

- 1. The current church, rectory and accessory uses are allowed in accordance with the approved site plan. Any change in use or expansion of use shall require the review and approval of a Major Amendment to the Conditional Use Permit;**
- 2. All existing landscaping shall be continually maintained in a live vegetative state and replaced as necessary if the property is enlarged by 20 percent or more or the occupant load is increased by 20 percent or more, then the property shall conform to the landscaping requirements of the Rapid City Municipal Code. ;**
- 3. The sign shall conform to the design, color and location as shown in the sign package submitted. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be**

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- allowed as a Minimal Amendment to the Conditional Use Permit. The lighting for the sign shall be designed to preclude shining on the adjacent properties and/or street. A Sign Permit shall be obtained prior to any installation of the sign;
4. The existing off-street parking shall be continually maintained in accordance with the approved plan. Any expansion shall require that the parking plan for the property conform to the requirements of the Rapid City Municipal Code or obtain a variance for the non-conforming uses; and,
  5. 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: (Update, August 18, 2010. All revised and/or added text is shown in bold print.) This item was continued to the August 5, 2010 Planning Commission meeting to allow further information to be provided. The applicant is requesting a Conditional Use Permit to allow a church in a Low Density Residential Zoning District. The property is located at 520 Cathedral Drive. The site is the current location of Cathedral of Our Lady of Perpetual Help and is zoned Low Density Residential District. The property located east and north of the property is zoned Low Density Residential District. The property located west of the property is zoned High Density Residential District. The property located south of the property is zoned General Commercial District and Office Commercial District.

The church has submitted a request to install a sign on the property. A church in a Low Density Residential District is allowed through a Conditional Use Permit. Although this church has been in this location for several years, a Conditional Use Permit has not been approved. As such, the applicant is requesting a Conditional Use Permit to allow a church in the Low Density Residential District to include the placement of a sign on the property.

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

Signage: The church proposes to install an internally lit 10 foot by 8 foot monument sign with a cross that will be located on the east boundary of the property. The sign will be placed on a brick base. The sign is white with black lettering and the cross will be gold in color. The total height of the sign will be 12 feet. The site plan submitted indicates that the sign will be in the sight triangle for pedestrians and the driveway. The church has indicated that the sign will be relocated out of the sight triangle. A revised site plan must be submitted showing the exact location of the sign prior to Planning Commission approval. The sign will be 80 square feet in size. However, the property is only allowed a 32 square foot sign. As such, the applicant will need to obtain a variance to the Sign Code from the Sign Code Board of Appeals for the larger sign prior to Planning Commission approval. The next Sign Code Board of Appeals meeting is August 18, 2010. As such, staff recommends that the application be continued to the August 26, 2010 Planning Commission meeting to allow the applicant to seek a variance from the Sign Code Board of Appeals. **The revised site plan indicates that the sign will be located 32 feet from the property line. The proposed sign is located outside of both the pedestrian and vehicle sight triangles. The Sign**

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**Code Board of Appeals met on August 18, 2010 and approved a variance to allow an 80 square foot sign in lieu of the maximum allowable 32 square foot sign. (Revised 8-18-10)**

Parking: The church has seating for 1,000 people, requiring a total of 250 parking spaces. The site plan indicates that a total of 165 spaces are available for the church. The site plan is not complete and as such, does not indicate whether the parking plan meets the requirements of the parking ordinance. As such, a revised parking plan must be submitted to indicate the total available spaces and aisle widths.

**The revised site plan that was submitted for review and approval indicates that the site is legal non-conforming as to the off-street parking requirements. However, the proposed sign does not increase the parking demand for the site. As such, the existing parking may remain; however, any expansion of use or change in use may trigger compliance of the provisions of the Rapid City Municipal Code.**

Landscaping: The landscaping plan submitted does not identify the developed area and the square footage of all the buildings. Staff cannot accurately review the submitted landscaping plan to determine compliance with the adopted ordinances due to the scale of the information on the plan. Prior to Planning Commission approval, a revised landscaping plan must be submitted for review and approval. All landscaping must be continually maintained in a live vegetative state and replaced as necessary. **Because the site was developed prior to the adoption of landscape requirements, the site is considered a legal non-conforming use with regard to landscaping requirements. As such, the addition of the sign does not trigger the requirement to bring the landscaping into compliance with the landscaping requirements; however, if the property is enlarged by 20 percent or more or the occupant load is increased by 20 percent or more, then the property must conform to the landscaping requirements of the Rapid City Municipal Code. (Revised 8-18-10)**

Elevations: The applicant has indicated that elevations of the buildings located on the site will be submitted prior to the August 26, 2010 Planning Commission meeting. **The applicant has submitted elevations of the church, rectory, garage, Chancery office and the Chancery annex on the property. No changes are proposed to any of the buildings at this time. (Revised 8-18-10)**

Permits: A Sign Permit must be obtained prior to any installation of signs.

**Notification Requirement: As of this writing, the sign has been posted on the property, but the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 26, 2010 meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing. (Revised 8-18-10)**

Staff recommends that the Conditional Use Permit to allow a church in a Low Density Residential Zoning District be **approved with the previously stated stipulations.**

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(Revised 8-18-10)