

STAFF REPORT
February 9, 2012

No. 12UR003 - Conditional Use Permit to allow a Church in the Central Business District **ITEM 12**

GENERAL INFORMATION:

APPLICANT	Trinity Lutheran Church Endowment Foundation, Inc.
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Trinity Lutheran - Ken Steinken
REQUEST	No. 12UR003 - Conditional Use Permit to allow a Church in the Central Business District
EXISTING LEGAL DESCRIPTION	Lots 1 through 7 of Block 96 of the Original Town of Rapid City located in Section 1, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .56 acres
LOCATION	405 Saint Joseph Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	1/13/2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Church in the Central Business District be approved with the following stipulations:

1. All provisions of the Central Business District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
2. A building permit shall be obtained prior to any construction;
3. Prior to issuance of a building permit, an erosion and sediment control plan, construction plans, a stormwater report and a utility plan shall be submitted for review and approval;
4. Prior to issuance of a building permit, revised plans shall be submitted that show the removal of unused driveway approaches on Saint Joseph Street and 4th Street or modification to allow ADA pedestrian access to the site;
5. A temporary use permit shall be obtained prior to installing tents for special events and

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- operated in compliance with Chapter 17.50 (Article III. Temporary Uses) of the Rapid City Municipal Code;
6. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 7. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 9. The Conditional Use Permit shall allow the church and park use on the property. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow a church in the Central Business District. In particular, the applicant is proposing to construct Trinity Eco Prayer Park. The park will function as open space as well as an extension of Trinity Lutheran Church which can host outdoor church activities. While open to the public, the park will remain under private ownership. The church use requires a Conditional Use Permit. The park will consist of indigenous landscaping, benches, paths, interpretive signage, a pergola and central open space capable of holding a 30 foot by 40 foot tent for special events.

On February 16, 1998, a Conditional Use Permit to allow the conversion of the existing Tip Top Motel into an assisted living facility (File #98UR001) was approved with stipulations.

On July 16, 2001, a Conditional Use Permit to allow a mission (File #01UR028) was approved with stipulations.

On August 8, 2002, the Renewal of a Conditional Use Permit to allow a mission (File #02UR022) was approved with stipulations.

The property is located southwest of the intersection of Saint Joseph Street and 4th Street. Currently, the property is undeveloped.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

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The property is located southwest of the intersection of Saint Joseph Street and 4th Street. Currently, the property is void of any structural development.

2. *The location, character and design of adjacent buildings:*

To the east of the subject property is the County Courthouse. To the south of the subject property is Trinity Lutheran Church. To the north and west of the subject property are one story commercial structures.

3. *Proposed fencing, screening and landscaping:*

Landscaping is not required in the Central Business District. Trinity Eco Park will follow sustainable landscape design principles using plants, grasses and trees native to South Dakota and the Black Hills.

4. *Proposed vegetation, topography and natural drainage:*

The design of the park aims to manage stormwater on-site. Prior to issuance of a building permit, an erosion and sediment control plan, construction plans, a stormwater report and a utility plan must be submitted for review and approval in order to address potential impacts that the proposed development may generate.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access to the site will be taken from the alley. The property is zoned Central Business District and does not require off-street parking. A sidewalk is located along Saint Joseph Street and 4th Street which provides pedestrian access to the site. Prior to issuance of a building permit, revised plans must be submitted that show the removal of unused driveway approaches on Saint Joseph Street and 4th Street or modification to allow ADA pedestrian access to the site.

6. *Existing traffic and traffic to be generated by the proposed use:*

The proposed park will generate approximately 0.89 trips per weekday and approximately 8.96 trips on Sunday based on ITE trip generation rates. The proposed tent for church activities will generate approximately 10.93 trips per weekday and approximately 14.11 trips per Sunday peak hour. It does not appear that the proposed development will impact the existing transportation network.

7. *Proposed signs and lighting:*

The park will include interpretive signs identifying features within the park. All signage must conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the

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Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. In addition, the park area will be have night lighting. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The property is intended to be used for commercial, financial, professional, governmental and cultural activities. One of the goals of the adopted Comprehensive Plan is to preserve downtown as a community focus and encourage policies which will strengthen this role by maintaining the downtown area's unique historical and cultural heritage while providing a safe, inviting, healthful and attractive environment. The Zoning Ordinance is the tool that implements the City's adopted Comprehensive Plan. A church is a conditional use in the Central Business District. As such, the proposed church use on the property is in compliance with the City's adopted Comprehensive Plan and the purpose of the ordinance.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The proposed pergola is in compliance with the density, yard and height requirements of the Central Business District. In addition, the applicant is proposing to host private events in the park using a temporary 30 foot by 40 foot tent. A temporary use permit must be obtained prior to installing the tent for these special events. All provisions of the Central Business District must be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.

11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

The proposed park is being designed to manage stormwater on-site. Prior to issuance of a building permit, an erosion and sediment control plan, construction plans, a stormwater report and a utility plan must be submitted for review and approval.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that stormwater, erosion and sediment control and hosted activities will follow the requirements of the ordinance.

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Notification: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the February 9, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, staff has received one letter in support of the proposed development.