

STAFF REPORT  
May 9, 2013

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**No. 13PD011 - Major Amendment to a Planned Development to Allow a Church in the General Commercial District**      **ITEM 3**

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GENERAL INFORMATION:

APPLICANT	Bryan Faltynski - Realis Community Church
AGENT	
PROPERTY OWNER	Tensleep, LLC
REQUEST	<b>No. 13PD011 - Major Amendment to a Planned Development to Allow a Church in the General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lots 1 through 5 of Block 88 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.4 acres
LOCATION	201 Main Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 12, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow a church in the General Commercial District be approved with the following stipulations:

1. The previously approved Exception to reduce the off-street parking requirements from 123 spaces to 0 spaces is hereby acknowledged. Any change in use or expansion of the structure on the property which increases the off-street parking demand for the property shall require a Major Amendment to the Planned Development;
2. Prior to issuance of a building permit, an 11.1 Historic Review shall be approved for the proposed construction;

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3. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
4. All signage shall require the review and approval of the Historic Sign Board. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
5. All applicable provisions of the International Fire Code shall be maintained;
6. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;
7. This Major Amendment to the Planned Development shall allow for a church to be located on the property. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted a Major Amendment to the Planned Development to allow a church. The property located at 201 Main Street is developed with a variety of commercial uses. In 2009, a Planned Development (File # 09PD047) was approved to allow an on-sale liquor establishment in conjunction with a full service restaurant. The restaurant, known as "The Beanery", comprised approximately 4,453 square feet of space on the lower level of the structure. The restaurant use on the property has since ceased, along with the on-sale liquor use and the applicant is now proposing to use the space as a church. Stipulation Number 9 of the approved Planned Development states, "A full service restaurant with on-sale liquor, offices, and retail commercial uses shall be allowed on the property unless otherwise specifically authorized as a Major Amendment to the Commercial Development Plan. A church is normally a permitted use in the General Commercial District, but due to the stipulations of approval of the original Planned Development, a church as a new use on the property requires a Major Amendment to the Planned Development. As such, the applicant has submitted this Major Amendment to the Planned Development. It should be noted that the existing on-sale liquor use for the property will no longer be permitted upon the approval of this Major Amendment.

The property is currently located at 201 Main Street, and is the location of the historic "Creamery" building.

**STAFF REVIEW:** Staff has reviewed the request for an Initial Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

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*There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;*

The property is comprised of approximately 17,500 square feet of land zoned General Commercial District. The surrounding properties are zoned General Commercial District and are located in a central, fully developed area of the City. The structure has been placed on the National Register of Historic Places as an individually nominated property. The proposed church use does not require a historic review at this time since no physical changes to the structure are being proposed. The applicant should be aware that future changes to the structure which require a building permit must be approved through an 11.1 Historic Review.

*The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;*

The structure was constructed in 1929, prior to adoption of the Rapid City Landscaping Ordinance. The existing development does not appear to be in compliance with the Landscaping Ordinance and a landscaping plan was not submitted for the property. The property is considered legally non-complying with regard to landscaping and no expansion or enlargement of the structure is being proposed. As such, the property remains legally non-complying with regards to landscaping and a landscaping plan is not required for review. Main Street is classified as a Major Arterial street on the City's Major Street Plan, meant to accommodate high volumes of commercial traffic.

*Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;*

Submitted plans show that a total of 13 parking spaces are located on the property. However, none of the identified spaces meet the requirements of the Rapid City Parking Ordinance and may not be considered as off-street parking spaces. The original Planned Development granted an Exception to reduce the parking requirements for the property from 123 spaces to 0 spaces. A calculation of off-street parking requirements for the uses included in this Major Amendment show that a total of 122 parking spaces are required. The applicant has requested that the previously approved Exception to reduce the amount of required off-street parking from 123 to 0 be acknowledged as a part of this Major Amendment. The applicant has indicated the church will operate primarily on the weekends and evenings and has an average congregation size of 50 people. The required parking for the proposed church will decrease the overall parking demand for the property. In addition, the previous restaurant use located on the property did not appear to over-stress the available on-street parking in the area. These factors will help to mitigate any pressure the new use will put on area parking. For these reasons, staff recommends that the request to acknowledge the previously approved Exception to reduce the required off-street parking from 123 spaces to 0 spaces be approved. Future expansion to the structure or changes to the uses in the building which increase the required amount of parking will require a Major Amendment to the Planned Development.

*A literal interpretation of this chapter would deprive the applicant of rights that others in the*

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*same district are allowed;*

The General Commercial District is intended to provide a zoning designation for personal and business services and the general retail business of the city. The proposed church is located in the basement of a two story structure which houses a variety of commercial and retail businesses. There is one existing on-sale liquor establishment located within 500 feet of the property. The establishment, known as Roman's, is located in the Imperial Inn and is primarily intended for guests of the hotel. The proposed church should have minimal impact on the operation of the on-sale liquor establishment. It should be noted that pursuant to Rapid City Municipal Code Chapter 17.50.185, the proximity of an on-sale liquor establishment to a place used for religious worship is considered when reviewing a request for a conditional use permit to allow an on-sale liquor establishment. Any future expansion of the existing on-sale liquor establishment may be affected by the approval of this Major Amendment to allow a church.

*Any adverse impacts will be reasonably mitigated;*

This Major Amendment to the Planned Development will serve as the tool to ensure that the proposed church meets all the design standards of the General Commercial District. The property at 201 Main Street is listed on the National Register of Historic Places. Any future changes to the structure which require a building permit must be reviewed through an 11.1 Historic Review. All signage will require the review and approval of the Historic Sign Board. All signage must comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

Submitted plans show that the structure is legally non-complying with regard to setbacks, landscaping, and parking. No expansions or changes to the exterior of the structure are being proposed. As such, the legally non-complying setbacks and landscaping may remain. All provisions of the General Commercial District will be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development. Any uses permitted in the General Commercial District will require the review and approval of a Minimal Amendment to the Planned Development. Any conditional uses in the General Commercial District will require a Major Amendment to the Planned Development.

*The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;*

A church is a permitted use in the General Commercial District. Development of the property through the Planned Development will ensure that the property meets the development standards set forth by the Zoning Ordinance and will be consistent with development in the area. The requested reduction in parking will allow the existing historically significant development to remain on the property with the existing and proposed

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uses. For these reasons, staff recommends that the Major Amendment to the Planned Development be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. As of this writing, the green cards and white receipts that serve as proof of the required certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the May 9, 2013 Planning Commission if these requirements have not been met. As of this writing, there has been one inquiry into the proposed Planned Development Overlay. The interested party expressed support of the proposed use as long as parking is not negatively affected in the neighborhood.