

STAFF REPORT
October 10, 2013

No. 13UR017 - Conditional Use Permit to allow a church in the Light Industrial District **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Steve A. Hamilton
AGENT	Battle Creek Church of Christ
PROPERTY OWNER	Horst Developments LLC
REQUEST	No. 13UR017 - Conditional Use Permit to allow a church in the Light Industrial District
EXISTING LEGAL DESCRIPTION	Lot 3 of Lot 4 of Lot B, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.3 acres
LOCATION	1770 Centre Street
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	Medium Density Residential District - Low Density Residential District
South:	Light Industrial District (Planned Development) - Light Industrial District
East:	Public District - Light Industrial District
West:	Light Industrial District (Planned Development) - Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	September 16, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a church in the Light Industrial District be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. A minimum of 120 off-street parking spaces shall continue to be provided on the site. All parking shall continue to comply with the Rapid City Parking Ordinance. Changes in the operation of the church which result in an increase in the off-street parking requirements

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- for the site shall require a Major Amendment to the Conditional Use Permit;
3. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;
 4. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic signage will require the review and approval of a sign permit. A sign permit is required for each sign;
 5. All provisions of the adopted International Fire Code shall be continually maintained;
 6. The church shall operate in compliance with the submitted operations plan and the requirements of the Light Industrial District, and;
 7. This Conditional Use Permit shall allow for a church to be located in the Light Industrial District. Uses permitted in the Light Industrial District shall require a Minimal Amendment to the Conditional Use Permit. Conditional uses in the Light Industrial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted a request to allow a church to be located in the Light Industrial District. The property is comprised of approximately 2.3 acres of property developed with four, two-story industrial structures. Each structure has approximately 6,000 square feet of space divided into two stories of 3,000 square feet each. Suites are built to suit the requirements of each tenant. The applicant is proposing to rent approximately 1,000 square feet of space within one of the existing suites and to use it as a church for the Battle Creek Church of Christ. A church is a conditional use in the Light Industrial District, requiring the review and approval of a Conditional Use Permit.

The property is located at 1774 Centre Street, Unit B, on the south side of East Highway 44. The property is currently developed with four industrial structures.

STAFF REVIEW: Section 17.22.030.E of the Rapid City Municipal Code provides the criteria for review of a church or similar place of worship as a conditional use in the Light Industrial District. The criteria for review are as follows:

Services, classes, and other similar activities involving groups of more than 50 persons shall not be conducted on a regular basis between 7:00 am and 5:00 pm on any weekday, Monday through Friday:

The applicant's operation plan identifies that the auditorium will have a seating capacity of 40 patrons. To date, the congregation is comprised of approximately 26 attendees on a typical Sunday morning service. The applicant has indicated that if the congregation exceeds 40, the church will move to a larger facility. In addition, the submitted operations plan shows that the church will meet between 9:00 am and 12:00 pm on Sunday morning and 4:00 pm and 7:00 pm on Sunday evenings. The applicant has indicated that a rare assembly for weddings or funerals may be held during the weekday. However, it is not anticipated that these potential services will occur on a regular basis.

Youth classes and other similar activities shall not be conducted on a regular basis between 7:00 am and 5:00 pm on any weekday, Monday through Friday:

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The submitted operations plan shows that a mid-week Bible study group is proposed as a part of church activities from 7:00 pm to 8:00 pm on Wednesday evenings. The church is not proposing to use the facility for any other organized activities.

No dormitory or residence shall be maintained on the subject property, provided, however, a single caretaker apartment may be permitted within the principal structure:

No residential uses are being proposed as a part of the operation of this church.

Such church or similar place of worship shall only occupy existing structures; no substantial new construction shall be undertaken to accommodate such church or place of worship:

The proposed church will be located within one existing suite of an existing industrial structure. No expansion or substantial new construction is being proposed as a part of this use. No additional landscaping or parking is proposed or required as a part of this Conditional Use Permit request. All signage must comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage will require the review and approval of a sign permit. A sign permit is required for each sign.

Plans show that a minimum of 76,188 points of landscaping must be provided on the property. No expansion of the existing structures on the site is being proposed and, as such, additional landscaping is not required. Submitted plans show that 82,860 points of landscaping are being provided. All landscaping must continue to comply with the requirements of the Rapid City Landscaping Ordinance.

All church parking requirements as to number and size of stall and paving shall be met:

The Rapid City Parking Ordinance requires that 1.34 parking spaces per 1,000 square feet of space are required for industrial structures where the uses are not specified. Based on this requirement, a minimum of 33 off-street parking spaces must be provided for the industrial structures located on the property. Plans show that a total of 10 parking spaces are required for the proposed church. Submitted plans show that a total of 120 parking spaces are located on the property. Sufficient parking is being provided for the church as well as the anticipated industrial uses. All parking is paved and striped and meets the requirements of the Rapid City Parking Ordinance. The applicant should be aware that future uses on the property which increase off-street parking needs may require additional parking be provided or a variance to reduce the provided amount of off-street parking must be obtained. All parking must continue to comply with the Rapid City Parking Ordinance. Changes in the operation of the church that are permitted by the Rapid City Municipal Code shall be permit contingent upon the provision of sufficient off-street parking.

The applicant for a conditional use for a church or similar place of worship shall file with the Planning Department a detailed program of its services and activities, including hours of operation and methods of separating on-lot industrial traffic from church traffic and parking. The applicant shall further demonstrate that use of the proposed site for such purposes will not significantly conflict with the use of other property located in the zoning district or in adjacent

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areas:

The applicant has submitted a detailed operations plan citing expected number of attendees as well as the date and time of all proposed services to be held on the property. In addition, the applicant has noted that no additional organized activities or residential uses are being proposed as a part of the church use. The submitted site plan shows the suite will consist of an auditorium, restroom, kitchen, classroom and storage. All parking requirements are being met. No additional landscaping is required. Staff has noted that the service/meeting times for the proposed church are generally on the weekends and after standard business hours, which will ensure that traffic associated with the church use and with adjacent industrial uses are separated to the greatest extent possible. In addition, Transportation Planning staff has noted that according to the Institute of Transportation Engineers trip generation data, a 40 seat church is expected to generate approximately 25 trips on a peak hour Sunday. Staff recommends that the church be operated in compliance with the submitted operations plan.

Notification Requirements: Proof of the required mailing has been returned to the Community Planning and Development Services Department. The sign has been picked up. However, as of this writing staff has not confirmed if the sign has been posted on the property. Staff will inform the Planning Commission at the October 10, 2013 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Conditional Use Permit.