

STAFF REPORT

February 7, 2002

No. 02OA001 - An Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning District **ITEM 14**

GENERAL INFORMATION:

PETITIONER	Rapid City Arts Council
REQUEST	No. 02OA001 - An Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning District
DATE OF APPLICATION	01/11/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the an Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning District be approved.

GENERAL COMMENTS:

The Dahl Fine Arts Center is proposing to expand its facility located at 713 Seventh Street. Currently, art centers are not allowed in the Central Business District. To allow the expansion, the use must comply with the Rapid City Municipal Code. On January 11, 2002, the Rapid City Arts Council submitted an Ordinance Amendment request to amend Chapter 17.16 to add "art centers" as a Conditional Use in the Central Business Zoning District. In addition, the Ordinance Amendment proposes to amend Chapter 17.04 to add the following definition for an art center: art center includes galleries, accessory museum space, classroom and studio space, the manufacturing of sculptures and other artwork as an accessory use to the gallery space, accessory gift shop and other accessory uses.

Currently, the Zoning Ordinance allows art galleries, museums and studios as a permitted use in the General Commercial District. Museums and art or music centers are allowed as a Conditional Use in the Public District. In addition, studios and the manufacturing and maintenance of pottery and figurines or other ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas are allowed as a Conditional Use in the Light Industrial District. The Central Business District currently allows private business schools, studios, and vocational schools not involving processes of light or heavy industrial nature as a permitted use. To date, the Zoning Ordinance does not provide a definition for an art center.

STAFF REVIEW: Staff has reviewed this request for conformance with the four criteria for review of text amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:

STAFF REPORT

February 7, 2002

No. 02OA001 - An Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning District **ITEM 14**

- 1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

Several communities throughout the country are experiencing the slow deterioration of commercial uses(s) within their original "downtown" corridors. As more commercial enterprises locate and/or relocate to new undeveloped areas along the perimeters of the community, downtown commercial developments are finding it difficult to survive. Fortunately, Rapid City's downtown has remained a vital and dynamic commercial area. However, allowing cultural facilities including art centers can support the continued viability of this area.

A large portion of Rapid City's original downtown corridor is zoned Central Business District. As previously indicated, studios are currently a permitted use in the district. Amending the Zoning Ordinance as proposed to allow art centers may allow for a beneficial use of this area within our community.

- 2. The proposed zoning is consistent with the intent and purposes of this ordinance.*

The intent of the Central Business District is to form a "metropolitan center for commercial, financial, professional, governmental and cultural activities". Art centers are a key component to the cultural activities of the community. The proposed amendment is consistent with the intent of the Central Business District.

- 3. The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.*

Art centers provide important cultural opportunities within a community. A central location for an art center allows for the entire community to access the facility. Allowing art centers as a conditional use will allow the City to review any site specific impacts on the neighborhood. In particular, parking concerns relative to the proposed use may be considered. Any proposed accessory use(s) to the art center may be reviewed to determine the potential impact they may have on the area. Public safety concerns due to on-site chemicals and the operation and/or use of kilns, ovens, casting equipment, acetylene torches, and other similar tools and/or equipment can be reviewed through the Conditional Use Permit.

- 4. The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan and Community Facilities Plan.*

The 1974 Long Range Comprehensive Plan identifies the downtown area of Rapid City as appropriate for commercial uses. As previously indicated, the intent of the Central Business Zoning District is to allow for commercial, financial, professional, governmental and cultural activities. In addition, the Major Street Plan identifies several Principal Arterial Streets within

STAFF REPORT

February 7, 2002

No. 020A001 - An Ordinance amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to add "art centers" as a Conditional Use in the Central Business Zoning District **ITEM 14**

the Central Business District to accommodate the traffic generated by the above referenced use(s). The City's Cultural Plan identifies a need to "make the arts and culture accessible to the widest possible audience". Permitting art centers in the Central Business Zoning District allows for the entire community to access the facility. The proposed amendment does not appear to conflict with the adopted Plans.

ORDINANCE NO. 3785**AN ORDINANCE AMENDING CHAPTERS 17.04 AND 17.16 OF THE RAPID CITY MUNICIPAL CODE TO ADD "ART CENTERS" AS A CONDITIONAL USE IN THE CENTRAL BUSINESS ZONING DISTRICT.**

WHEREAS the City of Rapid City finds that art centers enhance the community; and

WHEREAS the City of Rapid City has established a comprehensive zoning plan; and

WHEREAS the City of Rapid City finds that art centers can be operated in a manner that is compatible with other uses permitted in the Central Business District; and

WHEREAS the City of Rapid City finds that the conditional use procedure is necessary to ensure compatibility of proposed art centers with other uses in the central business zoning district;

NOW THEREFORE,

BE IT ORDAINED that section 17.04 of the Rapid City Municipal Code be amended by adding a new section as follows:

17.04.0605 Art Centers

Art center includes galleries, accessory museum space, classroom and studio space, the manufacturing of sculptures and other artwork as an accessory use to the gallery space, accessory gift shop and other accessory uses

BE IT FURTHER ORDAINED that section 17.16 of the Rapid City Municipal Code be amended by adding a new sub-section section as follows:

17.16.030 Uses Permitted on review.

- A. Filling station, repair garages and carwash establishments;
- B. Missions, subject to the following:
 1. Provide a detailed program and services plan at time of application, including, but not limited to, hours of operation, and type and extent of supervision,
 2. Must meet fire, building and health requirements,
 3. Any significant modification in the program and services plan will require a new application,
 4. Missions shall not be located in the downtown historical district;
- C. Churches or similar places of worship, but not including missions or revival tents;
- D. Child care centers;
- E. Planned commercial developments as regulated in Sections 17.50.050 through 17.50.100;
- F. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100;
- G. Group homes, subject to the following:
 1. Provide a detailed program and services plan at time of application,
 2. Must meet fire, building and health requirements,
 3. The council may or may not wish to add the following conditions:

- a. Standard hours of operation,
- b. Supervision, i.e., type and extent,
- c. Services and program to be provided,
- d. Number of persons,
- e. Proximity to other group homes,
- f. Any other condition the council may deem appropriate,
- 4. Any significant modification in the program and services plan will require a new application;
- H. Fraternities, sororities and denominational student headquarters;
- I. On-sale liquor establishments;
- J. Hotels and motels with on-sale liquor establishments;
- K. Adult day care centers subject to, but not limited to, the following considerations:
 - 1. Proximity to major arterial,
 - 2. Proximity to recreation facilities,
 - 3. Traffic generated by the center,
 - 4. Hours of operation of the center,
 - 5. Existing or potential levels of air and noise pollution in the area,
 - 6. Access from the center to adjacent areas which are used for commercial and industrial purposes,
 - 7. Appropriateness of outdoor recreation areas. If outdoor recreational areas are permitted, fencing shall be not less than forty-two inches in height,
 - 8. Type of vehicular traffic common to the area,
 - 9. Any other requirements council may deem appropriate;
- L. Assisted living centers;
- M. Libraries.
- N. Microcell cellular communications facilities not meeting standards as defined in 17.04.483.
- O. Art centers.**

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: