



Rapid City Planning Commission

Major Amendment to a Planned Unit Development

Project Report

January 7, 2016

Applicant Request(s)
Case # 15PD047 – Major Amendment to a Planned Unit Development to allow Black Hills Garage Doors as a professional office
Companion Case(s) N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Major Amendment be denied.

Project Summary Brief

The applicant has submitted a Major Amendment to a Planned Unit Development to allow Black Hills Garage Doors as a professional office use on the property. The previous Major Amendment to the Planned Unit Development stipulated that Black Hills Garage Doors vacate the property due to the nature of the business and the operation of the business in a residential area. The applicant is now requesting that Black Hills Garage Doors be allowed onto the property as a professional office use only. Black Hills Garage Doors indicates that there are three employees with hours of operation from 8:00 a.m. to 5:00 p.m. Monday thru Friday.

The structure was originally allowed as an office for an equestrian center which served as an amenity to the adjacent residential development. When the equestrian center was removed from the property, the Planned Unit Development was amended to allow the structure to be used for professional offices with no outdoor storage and no parking of construction vehicles.

On April 4, 2013, a Major Amendment to the Planned Unit Development (File #13PD006) was approved to allow a small animal hospital. The small animal hospital use was never initiated.

On October 22, 2015, a Major Amendment to the Planned Unit Development (File #15PD035) was approved to allow Cleary Building branch offices as a professional office. Black Hills Garage Doors was required to cease operations on the property. As such, the applicant is requesting a Major Amendment to the Planned Unit Development to allow Black Hills Garage Doors as a professional office use on the property.

Applicant Information	Development Review Team Contacts
Applicant: Patrick Anderson for Thomas and Carol Cleary	Planner: Fletcher Lacock
Property Owner: Thomas and Carol Cleary	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

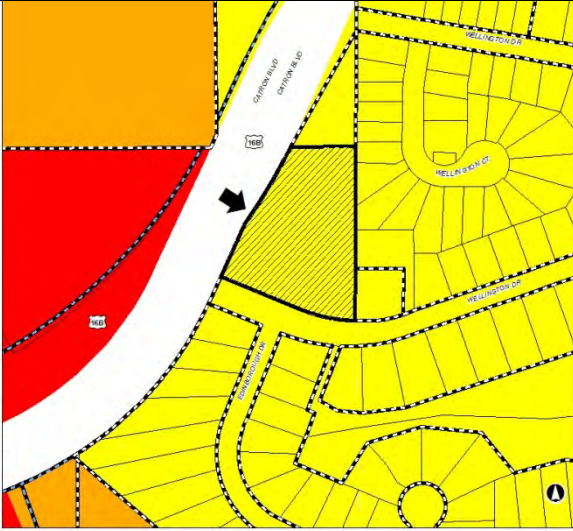
Subject Property Information	
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Address/Location	1555 Catron Boulevard
Neighborhood	U.S. Highway 16
Subdivision	Cleary Subdivision
Land Area	2.17 acres
Existing Buildings	3,960 square feet
Topography	Gentle incline from the southwest to the northeast and east sides of the property
Access	Wellington Drive
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR - PUD	LDN – Entrance Corridor	Cleary Building
Adjacent North	MDR - PDD	LDN – Entrance Corridor	Void of structural development
Adjacent South	LDR - PUD	LDN – Entrance Corridor	Single-family dwellings
Adjacent East	LDR - PUD	LDN	Single-family dwellings and townhomes
Adjacent West	GC - PDD	MUC – Entrance Corridor	Void of structural development

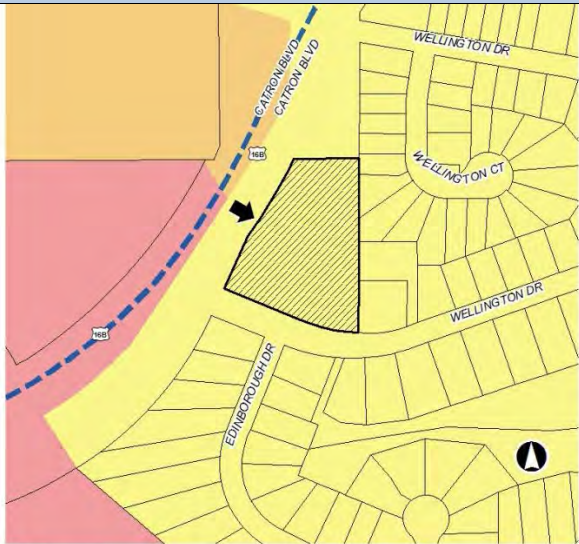
Zoning Map



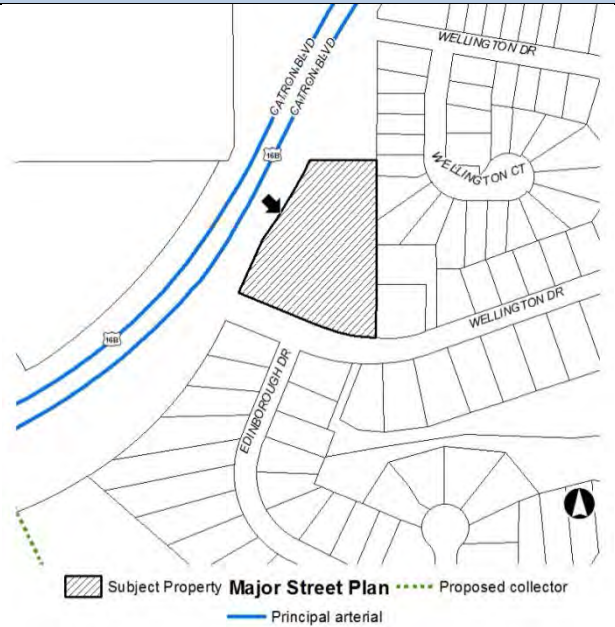
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
02PD059	08/21/2003	Final Planned Unit Development to allow an equestrian center, a caretaker's residence, and an office building	Approved with stipulations
13PD006	4/04/2013	Major Amendment to a Planned Unit Development to allow a small animal hospital	Approved with stipulations
15PD035	10/22/2015	Major Amendment to a Planned Unit Development to allow professional offices	Approved with stipulations
Relevant Zoning District Regulations			
Low Density Residential District	Required	Proposed	
Lot Area	6,500 square feet	94,525 square feet	
Lot Width	50 feet	Approximately 330 feet	
Maximum Building Heights	2.5 stories or 35 feet	Existing structures / No new development proposed	
Maximum Density	25%	4%	
Minimum Building Setback:			
• Front	20 feet	Approximately 86 feet	
• Rear	25 feet	Approximately 137 feet	
• Side	8 feet or 12 feet	Approximately 147 feet	
• Street Side	25 feet	Approximately 76 feet from Catron Boulevard	
Minimum Landscape Requirements:			
• # of landscape points	90,565	92,386	
• # of landscape islands	N/A	No structural expansion proposed	
Minimum Parking Requirements:			
• # of parking spaces	10	29	
• # of ADA spaces	1	2	
Signage	1 square foot	Existing pole sign / Proposed monument sign for Black Hills Garage Doors	
Fencing	N/A	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for an Final Planned Development Overlay:	
Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The property is comprised of approximately 94,525 square feet of land zoned Low Density Residential District with a Planned Unit Development. A previous Major Amendment approved the Cleary branch office as a professional office use and required that Black Hills Garage Doors cease operations and vacate the property. The applicant is requesting this Major Amendment to allow Black Hills Garage Doors as a professional office use only.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is located in a Planned Unit Development which under the Municipal Code at the time of approval, allowed up to 20% of the land area to be commercial uses in a residential Planned Unit Development to serve the residential development. The subject property is approximately 17% of the land area in the Planned Unit



	<p>Development. The applicant is requesting that Black Hills Garage Doors be allowed as a professional office.</p>
<p>3. 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:</p>	<p>The applicant is not requesting any Exceptions from the requirements of the underlying Zoning District.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:</p>	<p>The property is zoned Low Density Residential District with a Planned Unit Development. On August 21, 2003, a Planned Unit Development (File #02PD059) was approved to allow professional and business offices. The stipulations of approval required that no office use be allowed that will result in construction vehicles and/or equipment being parked on the property. In addition, no outdoor storage of building materials shall be allowed. The typical commercial uses that have been approved within a Planned Unit Development where the underlying zoning is residential are neighborhood serving uses and professional offices with regular business hours that do not utilize outdoor storage or construction equipment or material. On October 22, 2015, a Major Amendment was approved to allow the Cleary Building branch offices as a professional office use to occupy the building. Black Hills Garage Doors was not approved and was required to cease operations and vacate the property. Based on the existing operation of Black Hills Garage Doors with storage of construction material and semi-truck deliveries, the use is more suitable for an industrial site. Professional offices include, but are not limited to, doctors, dentists, lawyers, architects, engineers, real estate salespersons, appraisers, and accountants. Based on the previous complaints against Black Hills Garage Doors and the industrial nature of the use, staff recommends that the Major Amendment to the Planned Unit Development be denied.</p> <p>The applicant should be aware that the stipulations of approval for the previous Major Amendment to the Planned Unit Development limited the hours of operation for a professional office from 8:00 a.m. to 5:00 p.m. Monday through Friday and from 8:00 a.m. to 12:00 p.m. on Saturdays. There was discussion at the Planning Commission meeting regarding employees arriving before 8:00 a.m. to receive their work assignments, get coffee, and pick up work vehicles; however, staff has received complaints regarding employees arriving at 5:30 a.m. In particular, staff has been informed that excessive noise and light nuisances exist as early as 5:30 a.m. This is in violation of the stipulations of the approved Major Amendment to the Planned Unit Development. It is understandable that employees would arrive before the office opens; however, 7:30 a.m. would be more accommodating to the adjacent residential neighborhood than 5:30 a.m.</p>






<p>5. Any adverse impacts will be reasonably mitigated:</p>	<p>Black Hills Garage Doors is not a professional office use being that it is geared towards retail trade and the storage and manufacture of garage doors. The use is more suitable for an industrial zoning district. The subject property is located in a Planned Unit Development that allows up to 20% commercial uses. In addition, the previously approved Major Amendment limited the commercial use to professional offices.</p> <p>The applicant should be aware that staff has received complaints that the Cleary Building branch office is in violation of the hours of operation stipulated as Monday through Friday from 8:00 a.m. to 5:00 p.m. and on Saturdays from 8:00 a.m. to 12:00 p.m.</p>
<p>6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:</p>	<p>As noted above, no Exceptions are being requested. The property is located in a Planned Unit Development and a change and/or expansion in use requires that a Major Amendment be obtained.</p>

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

 <p>A Balanced Pattern of Growth</p>	
<p>BPG-3.1A</p>	<p>Balanced Uses: A professional office use has existed on the property for a number of years. The City has received numerous complaints about noise and the general operation of the Cleary offices over the years. Cleary has worked with the City to comply with the original Planned Unit Development stipulations. When Black Hills Garage Doors was located on the property, without obtaining a Building Permit, the City again received numerous complaints regarding the operation of the use. Black Hills Garage Doors, with outdoor storage and semi-truck deliveries, belongs in a primarily industrial area. Since complaints continue to be received regarding the Cleary offices, allowing additional office use for an associated industrial activity increases the burden placed upon the residential neighborhood.</p>
 <p>A Vibrant, Livable Community</p>	
<p>LC-1.3B</p>	<p>Entrance Corridor Coordination: The property takes access from Wellington Drive off of Catron Boulevard which is identified as an Entrance Corridor. The property abuts a residential neighborhood and the previous operation of Black Hills Garage Doors disturbed the neighbors. The applicant should be aware that staff has received complaints regarding the operation of Cleary Building branch offices since the previous Major Amendment was approved. Since complaints continue to be received regarding the Cleary offices, allowing additional office use for an associated industrial activity increases the burden placed upon the residential neighborhood.</p>

	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: Catron Boulevard is identified as a Principal Arterial Street on the City's Major Street Plan. The property abuts Catron Boulevard but is accessed by Wellington Drive which also serves as the primary access for the residential neighborhood to the south and east.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Planned Unit Development requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to a Planned Unit Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Low Density Neighborhood / Entrance Corridor
Design Standards:	
N/A	The Low Density Neighborhood does not support intensive commercial uses. The subject property is located in a Planned Unit Development which originally allowed professional business offices with regular business hours. In addition, no outdoor storage of construction vehicles or construction materials are allowed.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	U.S. Highway 16
Neighborhood Goal/Policy:	
N/A	The subject property is located adjacent to Catron Boulevard that is identified as Principal Arterial Street on the City's Major Street Plan and as an Entrance Corridor in the City's Comprehensive Plan. The property abuts an established residential neighborhood but is located in a Planned Unit Development that has allowed limited commercial use of the property that serves the adjacent residential development.

Findings
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow Black Hills Garage Doors as a professional office pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. It appears that the change in use from a small animal hospital to professional offices is in keeping

with the previous use of the property. Black Hills Garage Doors is a construction business that takes delivery of materials on site and stores materials that would be better suited in an industrial district. Previous complaints against Black Hills Garage Doors demonstrate that the use is not suitable in a residential area. The most recent Major Amendment to allow the office use of the building by Cleary's has resulted in several complaints regarding noise and light nuisances at 5:30 a.m. Expanding the office use for an additional associated industrial use increases the potential burden on the residential neighborhood. For these reasons, staff cannot support the proposed office use of the property by Black Hills Garage Doors.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Major Amendment to a Planned Unit Development to allow **the Black Hills Garage Doors professional office** use be denied. In addition, staff recommends that the business hours for the Cleary office use be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m. with no employee activity on the property before 7:30 a.m.