

STAFF REPORT

April 24, 2003

No. 03PD016 - Major Amendment to a Planned Commercial Development **ITEM 39**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc.
REQUEST	No. 03PD016 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 1 thru 11, Block 115, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .88 acres
LOCATION	805 5th Street
EXISTING ZONING	Office Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	Central Business District
South:	High Density Residential
East:	Office Commercial District
West:	Office Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/21/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be denied.

GENERAL COMMENTS:

The applicant is proposing a Major Amendment to a Planned Commercial Development to allow a wrought iron fence to be installed along the south property line in lieu of the required opaque ornamental screening fence. The original Planned Commercial Development was approved with seven stipulations on November 7, 2002 for a commercial bank. These stipulations were:

1. The applicant shall submit additional drainage information prior to issuance of a building permit;
2. The requirements of the City of Rapid City Municipal Code shall be met at all times;
3. The landscaping shall be constructed as identified on the site as submitted and shall be

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- maintained in a live vegetative state;
4. The architectural style of the building will be constructed as shown on the elevations submitted;
 5. The lighting will be constructed in a way as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties;
 6. All signage shall be constructed as shown on the site plan as submitted; and
 7. All parking shall be constructed as shown on the site plan as submitted.

The location of the proposed Major Amendment is on the south west corner of Fifth and Quincy. The proposed amendment is located on a .88 acre tract which was part of the original platting of the City of Rapid City. The site is currently zoned Office Commercial, and the proposed amendment is for a bank, which is a permitted use in the Office Commercial Zoning District.

The applicant is proposing to install a wrought iron fence along the southern edge of the property. The proposed wrought iron fence would be five feet, 9 inches high with brick pillars every ten feet. The brick pillars are approximately six feet high and one foot six inches in width.

The site was the previous location of the Zion Lutheran Church. In 1998, the property was rezoned from High Density Residential Zoning District to Office Commercial Zoning District. In 2001, a Planned Development Designation was approved for the site to the west to allow Office Commercial Uses as a Planned Commercial Development.

STAFF REVIEW: Approval of the Major Amendment would grant an exception to the requirements of Section 17.40.070 of the City of Rapid City Municipal Code. This section of the Municipal Code states, "When an office commercial district abuts the rear yard of a residential district, exclusive of alleys, an opaque ornamental screening fence not less than five nor more than six feet in height shall be constructed along the abutting property lines and shall be maintained in good condition."

Staff has reviewed the major amendment to a Planned Commercial Development and has noted the following considerations:

Public Interest: Waiving the requirements for a screening fence would appear to be contrary to the public interest. The screening requirement between a commercial zoning district and a residential zoning district has been established to reduce the negative impacts that a commercial use may have on a residential district. An opaque screening fence reduces the effects of light, noise, debris, etc. on surrounding properties. By waiving the requirement for a development to meet this standard the potential impacts that these attributes of a commercial property may have on a residential use will be increased.

Reasonable Use: The proposed development has reasonable use of the property without the requirement for an opaque screening fence being waived. The development for a commercial banking enterprise is a permitted use in the office commercial zoning district; in addition, the use was approved through a Planned Commercial Development previously. This location can still be used for a commercial banking enterprise without a waiver of the requirement for a screening

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fence being granted. There does not appear to be any special circumstances that would warrant this requirement to be waived.

Intent of the Zoning Ordinance: The intent of the zoning ordinance is to reduce the impacts that a commercial land use would have on a residential zoning district. By waiving the requirement to construct an opaque ornamental screening fence, the intent of the zoning ordinance will not be achieved. The potential impacts of the commercial land use will be permitted to negatively effect the surrounding residential land uses.

Negative Impacts: Waiving the requirement to construct an opaque ornamental screening fence would potentially increase the amount of noise that is carried to the residential land uses. In addition, the potential effects of headlights from automobiles shining through the wrought iron fence would have an additional negative effect on abutting residential land uses. These automobile headlights would shine directly onto adjacent properties potentially causing a disturbance in use. In addition, an opaque screening fence would prevent any debris from customers of the commercial use being blown onto surrounding residential properties.

Due to previously stated reasons, staff is recommending that the request be denied. As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 24, 2003 Planning Commission meeting, if the notification requirements have not been met. The Planned Development sign has been posted on the property. Staff has not received any calls or inquiries regarding this request at the time of this writing.