

STAFF REPORT

September 25, 2003

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**No. 03UR007 - Conditional Use Permit to allow professional offices  
in High Density Residential District**

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**ITEM 40**

GENERAL INFORMATION:

PETITIONER	Quincy Professional Trust
REQUEST	<b>No. 03UR007 - Conditional Use Permit to allow professional offices in High Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot 26 and the west 19 feet of Lot 27, Block 101, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .14 acres
LOCATION	914 Quincy Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Central Business District
South:	High Density Residential District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/25/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow professional offices in High Density Residential District be **denied without prejudice at the applicant's request.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the August 21, 2003 Planning Commission meeting. The applicant indicated to the Planning Staff that the required information would not be able to be obtained in time to review it for the September 25, 2003 Planning Commission meeting. The applicant stated that it was in their best interest to request that the application be denied without prejudice at this time. This action would still allow the applicant to submit the required information in the future, and the request can be fully considered at that time.

As per a phone conversation with the applicant on August 11, 2003, the applicant is working

## STAFF REPORT

September 25, 2003

---

### **No. 03UR007 - Conditional Use Permit to allow professional offices in High Density Residential District** **ITEM 40**

---

with the contractor to finish construction plans for improvements to the structure. The applicant has requested that the proposal be continued to the September 25, 2003 Planning Commission meeting, to allow time for the construction plans to be completed and finalized before submitting them to City Staff for review. Staff is currently waiting for the applicant to submit revised information, as well as, construction plans. The applicant has stated these plans will be submitted as soon as they are received. Staff is recommending the request be continued to the August 21, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

As per a phone conversation with the applicant on July 8, 2003, the applicant has indicated that construction plans for the proposed changes are in the process of being drafted, and the applicant will submit the plans for review and approval once the plans have been completed. At the time of this writing staff has not received any additional construction plans or site plans verifying the site will function in an appropriate manner with the surrounding land uses. The applicant has stated that additional information will be submitted to the planning department for review and approval as it is received.

The applicant has had conversations with the Building Official regarding alternatives to the requirements for a fire wall with no windows. However, as of the writing of this report, the applicant has not submitted any additional information regarding the alternative fire protection system. Prior to Planning Commission approval, the applicant must submit additional information regarding the proposed exterior wall sprinkler system, in order for the Building Official and the Fire Department to verify the adequacy of this request in lieu of the typical fire wall. Staff is recommending that this information be submitted for review and approval prior to Planning Commission due to the fact, that if the exterior fire sprinkler and additional interior fire sprinklers do not satisfy the safety concerns alternative methods may need to be reviewed and approved by the Planning Commission. The request was reviewed by the Historic Preservation Commission at the May 16, 2003 Historic Preservation Commission Meeting.

The applicant is proposing to convert a single family dwelling into professional offices in a High Density Residential Zoning District. Professional Offices are a Conditional Use in the High Density Residential Zoning District. The property is located at 914 Quincy St. The applicant has submitted a proposal showing the 1,343 square foot footprint for the existing house on the 6,160 square foot lot. There is also a 506 square foot garage located on the property. The applicant is proposing to add three parking spaces to the rear of the lot and adding a landscaping island as well. In addition, the applicant has submitted an interior site plan identifying five office spaces. The applicant has submitted a revised interior floor plan identifying the upstairs as a one unit apartment. The applicant has also indicated that the first floor of the structure would be used as offices for a financial planning business. The applicant has indicated that there is potential for the upstairs to be used as a residential unit for clients of the financial planning business, including guest speakers. However, the applicant would still have the ability to rent the unit out as an apartment in the future.

This High Density Residential Zoning District is located adjacent to the Central Business

## STAFF REPORT

September 25, 2003

---

### **No. 03UR007 - Conditional Use Permit to allow professional offices in High Density Residential District** **ITEM 40**

---

District. The north half of the block is zoned Central Business District and the southern half of the block is zoned High Density Residential Zoning District. A majority of the northern half of the block is a parking lot, while the other half is used as professional offices. Three of the seven properties on the southern half of the block, which is zoned High Density Residential, are used for business purposes, including medical offices, engineering offices, and law offices. Across the street from the proposed development is a 100 space parking lot.

STAFF REVIEW: Staff has reviewed the proposed Conditional Use Permit and has noted the following issues:

West Boulevard Historic District: 914 West Quincy has been identified as a contributing structure in the West Boulevard Historic District. Due to the proposal to use the structure as a commercial entity, the Historic Preservation Commission has the authority to review any interior and exterior changes to the site. The applicant is proposing to add a parking lot in the rear of the property, which would require review by the Historic Preservation Commission. Prior to review by the Planning Commission, staff is recommending review and approval by the Historic Preservation Commission. The applicant has had the request reviewed by the Historic Preservation Commission on May 16, 2003. The Historic Preservation Commission found no adverse impact of the proposed use.

Building Codes: The property appears to be a non-conforming structure due to the fact that the side yard setbacks on both sides of the structure are five feet. The City of Rapid City Municipal Code requires 12 foot side yard setbacks for two story structures in the High Density Residential Zoning District. In addition, the Building Codes which have been adopted by the City of Rapid City do not appear to allow any openings on the walls of structures that are less than five feet from the property line for the type of occupancy the proposed plan shows. Revised building elevations need to be submitted for review and approval showing no openings on the walls of the structure that apply to this building code. The applicant has indicated that this requirement would be appealed. As such, staff is recommending that the decision for this appeal be resolved prior to Planning Commission review. The applicant has been engaged in conversations with the Building Official to determine an alternative method to ensure that all safety concerns are being met at the site. One alternative method being explored includes an exterior wall sprinkler in addition to interior sprinklers in the structure. However, at the time of this writing, the applicant has not submitted any additional information. Prior to Planning Commission approval, this information will need to be submitted for review and approval to the Building Official as well as the Fire Department staff.

Surrounding Land Uses: The location of this particular lot is on the fringe of the Central Business District. Even though this area is zoned High Density Residential, there are other businesses in the area as stated previously. These businesses include other professional offices such as lawyers, architects and engineers. In addition, to the commercial uses in the area, the other residential uses are mostly apartments. The proposed offices would be used during the daylight hours, and would not appear to have significant impacts on the surrounding residential uses. Additional information concerning hours of operation will help

## STAFF REPORT

September 25, 2003

---

### No. 03UR007 - Conditional Use Permit to allow professional offices in High Density Residential District ITEM 40

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determine the impacts of the office use on the residential uses.

Drainage: The Engineering Division has indicated that prior to approval of a building permit for the proposed parking area, a drainage plan showing the proposed topography of the site will need to be submitted for review and approval to determine that the storm water drainage will be adequate for the site. In addition, information regarding the proposed grading at the site will need to be submitted to verify that the any type of storm water run off will not have negative impacts on the surrounding land uses. Whenever an impervious surface is increased throughout the City, there is the potential for the increase in storm water run off to have negative impacts on the surrounding land uses.

Parking: The submitted site plan shows five on site parking spaces. There is an existing garage that will provide two parking spaces, and the proposed site plan is adding three parking spaces in the rear of the site. However, in order to fulfill the parking requirements set forth by the City of Rapid City Municipal Code, the applicant will have to submit any leased parking agreements for off-site parking being provided for review and approval prior to the Planning Commission hearing. The applicant has indicated the upstairs would be used as an apartment for out of town guest speakers, or it could possibly be turned into an additional dwelling unit. The apartment would require 1.5 parking spaces, while the office space in the structure, at 930 square feet, would require 4.65 spaces. In addition, some portions of the structure would be utilized for storage, at 75 square feet. This would require .02 parking spaces. The total parking requirement for the structure would be 6.17 spaces. The proposed seven off-street parking spaces would comply with the minimum ordinance requirements for off-street parking.

Landscaping: The applicant appears to be providing the required number of points for landscaping. The site is 6,160 square feet in area with 1,847 square feet of structures on the property. As a result, 4,313 landscaping points are required. A portion of the landscaping is identified as Cratageous; however, the rest of the landscaping is unidentified. Prior to issuance of a building permit, the applicant must provide detailed information on the size, and type of landscaping materials which are existing and are to be provided, in order to determine the compliance with the City of Rapid City Municipal Codes.

In addition, the applicant needs to show a landscaping island in the proposed parking area for the development. All planting islands need to be in compliance with Section 17.50.300 (E) 1."c. Planter *islands* shall be provided at a ratio of one such area for every fifty parking spaces. Each parking space shall be not less than one hundred twenty feet from the perimeter of the parking lot or a planter island. Each island planter shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base." A revised site plan will need to be submitted prior to issuance of a building permit showing compliance with this portion of the code.

Staff is recommending that the request be **denied without prejudice at the applicant's request**. This request has been heard by the Historic Preservation Commission, and no adverse impacts have been found by the proposed development. As of this writing, the

STAFF REPORT

September 25, 2003

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**No. 03UR007 - Conditional Use Permit to allow professional offices      ITEM 40  
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receipts from the certified mailings have been returned. The Conditional Use Permit sign has been posted on the property. Staff will notify the Planning Commission on the May 22, 2003 Planning Commission meeting if the mandated advertising and notification requirements have not been met. Staff has received one call inquiring about this request at the time of this writing.