

STAFF REPORT

May 4, 2006

No. 06UR011 - Conditional Use Permit to allow an office use in the High Density Residential District

ITEM 28

GENERAL INFORMATION:

PETITIONER Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc.

REQUEST **No. 06UR011 - Conditional Use Permit to allow an office use in the High Density Residential District**

EXISTING
LEGAL DESCRIPTION

A parcel of land located in Block 126 of the Original Townsite of Rapid City in the Northwest One-Quarter (NW1/4) of Section One (1) of Township One North (T1N), Range Seven East (R7E), of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 27 of said Block 126, said corner being coincident with the northwest corner of Lot 28 of said Block 126, and coincident with the south right-of-way line of the east-west Alley located in said Block 126, and said point being marked by a rebar with survey cap "LS 7719"; Thence, southwesterly along the easterly line of said Lot 27 of Block 126 coincident with the westerly line of said Lot 28 of Block 126, South 12 degrees 31 minutes 17 seconds West, a distance of 139.49 feet, more or less to the southeast corner of said Lot 27 of Block 126, said point being coincident with the southwest corner of said Lot 28 of Block 126, said point being coincident with the north right-of-way of South Street, and said point being marked by a rebar with survey cap "LS 7719"; Thence, northwesterly along the southerly line of Lots 27, 26 and 25 of said Block 126 and along the north right-of-way of South Street, North 77 degrees 27 minutes 36 seconds West, a distance of 75.09 feet, more or less, to the southwest corner of said Lot 25 of Block 126, said point being coincident with the southeast corner of Lot 24 of said Block 126, and said point being marked by a rebar with survey cap "LS 7719"; Thence, northeasterly along the westerly line of said Lot 25 of Block 126, coincident with the easterly line of Lot 24 of said Block 126, North 12 degrees 31 minutes 04 seconds East, a distance of 69.23 feet, more or less, said point being marked by a rebar with survey cap "LS 7719"; Thence, northwesterly across Lots 24, 23, 22, 21, 20, 19, 18 and 17 of said Block 126, North 77 degrees 35 minutes 35 seconds West, a distance of 195.13 feet, more or less to a point on the westerly line of the balance

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of Lot 17 of said Block 126, said point also being located on the easterly line of Lot H-1 of said Lot 17 of Block 126, and said point being marked by mag nail in concrete; Thence, northwesterly along the westerly line of the balance of said Lot 17 of said Block 126 and along the easterly line of said Lot H-1 of Lot 17 of Block 126, North 00 degrees 25 minutes 42 seconds West, a distance of 22.67 feet, more or less, said point being located on the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in concrete; Thence, northerly along the westerly line of said Lot 17 of Block 126 and along the easterly line of Fifth Street right-of-way, North 12 degrees 33 minutes 36 seconds East, a distance of 38.87 feet, more or less to a point marked by a mag nail in concrete; Thence southeasterly across Lots 17, 18, 19, 20, 21, 22, 23 and the westerly five feet of Lot 24 of said Block 126, South 77 degrees 36 minutes 11 seconds East, a distance of 180.18 feet, more or less to a point located in Lot 24 of Block 126, said point being marked by a rebar with survey cap "LS 7719"; Thence, northeasterly across said Lot 24 in Block 126, North 12 degrees 40 minutes 28 seconds East, a distance of 9.00 feet, more or less, to the north line of said Lot 24 and the southwest corner of the intersecting Alleys in said Block 126, said point being marked by a rebar with survey cap "LS 7719"; Thence, southeasterly along the north line of Lots 24, 25, 26 and 27, and along the south line of the east-west Alley in Block 126, South 77 degrees 38 minutes 35 seconds East, a distance of 95.07 feet, more or less, to the point of beginning. Said tract of land contains 0.52 acres, more or less.

PARCEL ACREAGE	Approximately 0.52 acres
LOCATION	910 Fifth Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	High Density Residential District - Office Commercial District
South:	High Density Residential District
East:	High Density Residential District
West:	Public District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 4/7/2006
REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an office use in the High Density Residential District be approved with the following stipulations:

1. The structure shall be used for offices. Any other use shall require a Major Amendment to the Conditional Use Permit;
2. A minimum of 20,932 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
3. A minimum of nine parking spaces shall be provided. One of the spaces shall be van handicap accessible. In addition, the parking lot shall be paved. All provisions of the Off-Street Parking Ordinance shall be continually met;
4. All signage shall continually conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;
5. Any additions to the existing building and/or new structures on the property shall meet all of the setback requirements of the High Density Residential District;
6. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
7. The 14 foot X 39 foot structure located directly east of the office building shall be removed from the property as proposed. In addition, the dumpster shall be located within this area and shall be screened on all four sides with an opaque screening fence; and,
8. The structure shall continue to conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Commercial Development.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an office use within the existing building located on the subject property.

The property is located approximately 165 feet south of the intersection of 5th Street and Columbus Street on the east side of 5th Street. The building has been located on the property for approximately 40 years. The Rapid City Columbian Club representative has indicated that the building has been used as office(s) since around 1979. The property is currently zoned High Density Residential District. An office use is a Conditional Use in the High Density Residential District. To date, a Conditional Use Permit has not been obtained and, as such, the office use appears to be an illegal use on the property.

On February 6, 2006, the City Council approved a Layout Plat to move the common lot line between this property and an adjacent property also owned by the applicant. A stipulation of the Layout Plat requires that prior to submittal of a Preliminary Plat, the land use issues

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be addressed. On April 4, 2006, the Zoning Board of Adjustment granted a Variance to reduce the side yard setback from 35 feet to 1.3 feet and 18.1 feet, respectively, for the existing building. In addition, the Zoning Board of Adjustment denied a Variance request to waive the requirement to pave the existing parking lot.

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

Commercial Structure: The applicant has submitted building elevations of the commercial structure identifying that the existing building is a two story structure with a flat roof. In addition, a parapet is constructed along the north, south and west sides of the building. The building has been constructed with red brick, wood and glass. The architectural design of the building appears to be complimentary to the neighborhood and the existing surrounding land uses. As such, staff is recommending that the commercial structure continue to conform architecturally to the plans, elevations and color palette submitted as a part of this Planned Commercial Development.

The site plan identifies an approximate 14 foot X 39 foot structure located directly east of the office building on the subject property. A note on the site plan indicated that the building will be removed. Staff has noted that an unscreened dumpster is currently located adjacent to this structure. Staff is recommending that the 14 foot X 39 foot structure be removed from the property as proposed. In addition, the dumpster must be screened on all four sides with an opaque screening fence.

Setbacks: As noted above, the Zoning Board of Adjustment granted a Variance to reduce the side yard setback from 35 feet to 1.3 feet along the north lot line and 18.1 feet along the south lot line for the existing building. Staff is recommending that any additions and/or new structures on the property meet all of the setback requirements of the High Density Residential District.

Parking: The office use requires a minimum of nine parking spaces. In addition, one of the spaces must be van handicap accessible. The applicant's site plan identifies that 26 parking spaces are being provided with one of the spaces being handicap accessible. As noted above the Zoning Board of Adjustment denied a Variance to waive the requirement to pave the parking lot. As such, staff is recommending that a minimum of nine parking spaces be provided with one of the spaces being van handicap accessible. In addition, the parking lot must be paved and all provisions of the Off-Street Parking Ordinance must be continually met

Landscaping: A minimum of 20,932 landscaping points are required. The applicant's site plan identifies that 21,150 points are being provided. Staff is recommending that the landscaping comply with the type and location of the landscaping plan submitted as a part of the Planned Commercial Development. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Fire: The Fire Department has indicated that all International Fire Codes must be met as a part

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of any reuse and/or redevelopment of the site. In particular, any new use will require that the building be sprinklered. Staff is recommending that all International Fire Codes be continually met.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the May 4, 2006 Planning Commission meeting if these requirements have not been met.