

STAFF REPORT
January 24, 2008

No. 07UR013 - Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District **ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	Hermanson Egge Engineering
PROPERTY OWNER	GPH Rapid City Bella Vista LLC
REQUEST	No. 07UR013 - Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Tract X of Flormann Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.14 acres
LOCATION	302 Saint Cloud Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District - Low Density Residential District
South:	Low Density Residential District
East:	Park Forest District - Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	10/26/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District be approved with the following stipulations:

- 1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 2. The provisions of the Landscape Ordinance shall be continually met. In addition all landscaping shall be maintained in a live, vegetative state;**

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3. All applicable provisions of the International Fire Code Shall be continually met;
4. The addition shall be constructed and maintained of the same general materials and the same color(s) as the existing building elevations;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
7. Prior to the issuance of a Building Permit, the applicant shall submit for review and approval documentation identifying that five (5) additional nursing home bed licenses issued by the State of South Dakota have been obtained; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

(Update January 10, 2008. All revised text is shown in bold.) On January 9, 2008 the applicant removed the off-premise sign located on the adjacent property.

The applicant has submitted a proposed sign package showing a four (4) foot by eight (8) foot ground sign with brick columns to be located on the southeast portion of property. An updated site plan submitted by the applicant identifies the sign as having visibility from Saint Cloud Street and being located on the applicant's property. Staff has noted that the applicant's proposed ground sign meets the minimum requirements of Section 15.28.200. Prior to installation of the proposed ground sign, the applicant is required to obtain a sign permit.

Staff recommends that the Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District be approved with the stated stipulations.

(Update December 19, 2007. All revised text is shown in bold). On December 19, 2007 the Sign Appeals Board denied without prejudice the applicant's appeal request to have a ground sign that is not located on the applicant's property. The applicant has indicated that they plan to relocate the ground sign to their property. Staff recommends that this item be continued to the January 24, 2008 meeting to allow the applicant time to obtain a sign permit and relocate the ground sign and allow the applicant time to submit for review and approval any additional proposed signs.

(Update November 26, 2007. All revised text is shown in bold). On November 19, 2007 the applicant submitted an Access Easement recorded by the Pennington County Register of Deeds Office on March 14, 1996 that identifies a legal means of access that crosses over the abutting parcel.

On November 19, 2007 the applicant submitted a detailed grading and erosion control plan that has been reviewed by staff. The grading and erosion control plan appear to comply with the minimal requirements of City Ordinance. In addition the applicant submitted a site plan identifying the location of water and exiting sewer service lines located on the applicant's

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property which connects with the main lines located within the public right-of-way.

Staff has noted that the applicant's sewer service line does not connect into a sewer main in Saint Cloud Street, rather it makes a connection into a sewer main located in an alley located adjacent to the property on the northwestern boundary and ultimately flows in a northerly manner away from Saint Cloud Street.

On November 19, 2007 the applicant submitted a revised landscape plan identifying 186,350 landscaping points in lieu of the required 59,914 required landscaping points. Six medium trees spaced 25 feet apart are proposed on the boundary of the property adjacent to where the proposed addition is located. Staff finds that this buffer along the boundary where the proposed addition is to be located is adequate.

On November 21, 2007 the Sign Appeals Board continued the applicant's appeal hearing to the December 19, 2007 Sign Appeals Board meeting at the request of the applicant. Staff recommends that this item be continued to the January 10, 2008 Planning Commission meeting to allow the applicant's appeal request to be heard by the Sign Board of Appeals.

The applicant has submitted a Conditional Use Permit to authorize an existing nursing home located at 302 Saint Cloud Street and allow a 6,049 square foot addition to the existing structure. The property is located east of the intersection of 5th Street and Saint Cloud Street. Currently a 20,221 square foot nursing home is located on the property. The applicant is proposing to construct a 6,049 square foot addition on the western side of the existing structure eliminating the existing landscaping located along that side of the structure. The proposed addition will consist of kitchen space, bedrooms, bathrooms, office space, meeting space, as well as storage and mechanical space. The property was platted on December 17, 1965. A Building Permit to construct a nursing home was initially issued for the property on March 30, 1966. Under the current zoning ordinance, a nursing home is allowed as a conditional use in a Medium Density Residential Zoning District. The property is currently zoned Medium Density Residential District. As such the existing nursing home is a legal non-conforming use. Prior to expansion of the use, a Conditional Use Permit must be obtained to bring the existing use and structure into compliance with the current Zoning Ordinance.

STAFF REVIEW:

Staff has reviewed the applicant's request to allow a nursing home in a Medium Density Residential Zoning District and noted the following considerations:

SIGNAGE:

The applicant is not proposing to construct any additional signage at this time. The Building Official has indicated that the existing sign on the site is actually located off the property making it an off-premise sign in violation of the adopted Sign Code. Further, no sign permit was obtained for the sign. A violation notice was sent previously to the owner. The sign code violation has been appealed and is scheduled to be considered at the November 21, 2007 Sign Code Board of Appeals meeting; however, to date the owner of the property on which the sign is located has not signed the appeal. Staff recommends that prior to Planning Commission approval, the applicant resolves the outstanding Sign Code violation and that the applicant

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submits a complete sign package identifying all existing signage on the property including dimensions and locations. This will allow a review of the existing signage for compliance with the adopted sign ordinance.

FLOODPLAIN:

Staff has noted that the property is not located within the Federally designated 100 year flood plain.

PARKING:

The applicant is required to provide 35 off-street parking spaces including three handicap accessible spaces with one being a van accessible space. The applicant has submitted a site plan identifying 47 off-street parking spaces including three handicap accessible spaces and one van accessible space. The applicant's site plan meets the minimum requirements of Section 17.50.270.

LANDSCAPING:

The applicant is required to provide 59,914 landscaping points. The applicant has submitted a site plan identifying nine trees, 56 shrubs and areas of grass. The applicant's site plan identifies 180,350 landscaping points in compliance with the minimum requirements of the Zoning Ordinance. Approximately 20 of the proposed shrubs are located in what appears to be an interior courtyard area providing no buffering to the adjacent properties. Further, significant areas of established landscaping along the western end of the building are being demolished as a result of the new construction. Staff recommends that prior to Planning Commission approval, a revised landscaping plan be submitted identifying the installation of significant additional landscaping to buffer the structures from the adjacent properties.

STATE LICENSING:

The applicant has submitted documentation identifying that the facility currently has 65 licensed beds. The applicant is proposing to add five additional beds. Staff has noted that the applicant is required by the State of South Dakota to obtain a license for the five additional beds. Copies of documentation noting that the facility has obtained the required State approvals should be submitted prior to the issuance of a building permit.

ELEVATIONS:

The applicant has submitted proposed elevations that identify the proposed addition as matching the existing structure. The proposed elevations include a brick façade accented by brick soldier course, aluminum windows, and asphalt shingles. The elevations as submitted appear to be appropriate for the site.

ACCESS:

The applicant's site plan identifies the driveway providing access to the property is located on an adjacent parcel not owned by the applicant. Staff has noted that the original plat document does not identify an access easement on this abutting parcel. The applicant has not submitted any documentation substantiating that legal access is provided to the property. Staff recommends that this item be continued to allow the applicant to submit documentation of legal

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access to the property.

DRAINAGE PLANS:

The grading and drainage plan appears to comply with the April 2006 site drainage report previously submitted. Due to the topography of the site, significant concerns exist regarding erosion and sediment control on the site. Staff is recommending that prior to Planning Commission approval a detailed erosion control and sediment control plan be submitted for review and approval. All applicable provisions of Section 8.37 of the Rapid City Municipal Code must be addressed as part of the plan. In addition, the plans should insure that the applicant inspects, removes debris and repairs the riprap at the end of the storm sewer pipe and at the end of discharge channel. The plan must insure that adequate measures are taken to insure that erosion and sediment control is maintained until such time as the final landscaping is complete and vegetative cover has been well established on the site.

WATER AND SEWER INFORMATION:

Detailed information on the water and sewer service line layout and connections to the mains has not been submitted to date. The site plan must be revised to include this information prior to Planning Commission approval. If the service lines cross adjacent properties, copies of the required easements shall be submitted for review. Comments have been received from adjacent property owners indicating that there are existing problems with sewer on Saint Cloud Street. Once the additional sanitary sewer information is submitted, staff will review that information to determine if any additional measures are required to insure that the expansion does not impact the surrounding properties.

PUBLIC COMMENT:

As noted, a letter signed by two area property owners has been received objecting to the proposed expansion. The letter cites concerns with the sewage capacity in the area as noted above. In addition, the property owners cite concerns with the instability of the shale soils in the area and the potential impacts of erosion on the area properties. Both property owners objected to the approval of the requested Conditional Use Permit.

NOTIFICATION:

The required notification was published in the Rapid City Journal and notification letters were mailed. The original notification letters referenced the incorrect existing zoning of the property. Due to the staff error, Growth Management staff has mailed corrected notification letters to all property owners within 250 feet. A corrected publication will also be made in the Rapid City Journal. Staff will notify the Planning Commission at the November 21, 2007 Planning Commission meeting if the required sign has not been posted on the property.

As noted throughout this report, additional information must be submitted for review and approval prior to Planning Commission approval. For this reason, staff is recommending that the request for a Conditional Use Permit to authorize a nursing home and allow the building expansion be continued to the December 6, 2007 Planning Commission meeting.