

STAFF REPORT  
November 20, 2008

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**No. 08PD059 - Major Amendment to a Planned Commercial Development**      **ITEM 13**

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GENERAL INFORMATION:

APPLICANT/AGENT	Kimberly Bertelson
PROPERTY OWNER	Ray Elliott
REQUEST	<b>No. 08PD059 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	The west 72.15 feet of the north 60 feet of Lot 1 of Block 36 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	1204 Mount Rushmore Road
EXISTING ZONING	Office Commercial District (Planned Commercial District)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/24/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. The use of the property shall be limited to professional offices which includes real estate, insurance, appraiser, accountants and a medical clinic which includes a massage therapy business. Any other use shall require the review and approval of a Major Amendment to the Planned Commercial Development;
2. The on-site parking requirement is hereby reduced from four spaces to one space. In addition, the access aisle width is hereby reduced from 26 feet to 12 feet and the existing driveway grade of 18% is hereby allowed in lieu of the maximum 12% driveway grade;
3. Signage for the property shall be limited to one two-faced ground sign and one wall sign. The size of the ground sign shall be limited to five foot in height and six foot in width and shall be indirectly lighted. The size of the wall sign shall be limited to four square feet

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---

and shall be indirectly lighted (no back lighted signs shall be allowed). 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 the Planned Commercial Development. 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;

4. A minimum of 3,433 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;
5. All currently adopted International Fire Codes shall be met, including the provision that smoke detection devices be provided;
6. The screening fence requirement along the east property line is hereby waived as previously granted;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,
8. The Planned Commercial Development approval shall expire if the use is not undertaken 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:**

The applicant has submitted a Major Amendment to the Commercial Development Plan to allow a massage therapy business as a permitted use on the property.

On November 10, 2005, the Planning Commission approved a Commercial Development Plan (File #05PD069) to allow the existing building on the property to be used as professional offices with a one unit apartment on the second floor. A stipulation of approval stated that the "use of the property shall be limited to the following: professional offices which include real estate, insurance, appraiser, accountants and one unit apartment located on the second floor. Any other use must be approved as a Major Amendment to the Planned Commercial Development". As such, the applicant has submitted this Major Amendment to the Planned Commercial Development to allow a massage therapy business within the existing structure on the property.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to the Commercial Development Plan and has noted the following considerations:

**Parking:** The parking requirement for the professional office use(s) and the one unit apartment was reduced from six parking spaces to one parking space as a part of the previously approved Initial and Final Commercial Development Plan. In addition, exceptions were granted to reduce the access aisle width from 26 feet to 12 feet and to allow an 18% driveway grade in lieu of a maximum 12% driveway grade.

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---

The applicant is proposing to use the main floor of the building as a massage therapy business. In addition, the basement and the second floor will be used as storage. The change in use as proposed results in a reduced parking requirement from six spaces to four spaces. As such, staff recommends that the Major Amendment to the Planned Commercial Development to allow a massage therapy business be approved with the stipulation that one parking space be provided as originally stipulated. In addition, staff recommends that design exceptions be granted to reduce the access aisle width from 26 feet to 12 feet and to allow the existing driveway grade of 18% in lieu of the maximum 12% driveway grade as previously granted.

Use: The property is currently zoned General Commercial District. A massage therapy business is defined as a "medical facility" in the Zoning Regulations which is a permitted use within the General Commercial District. As such, amending the previously approved Planned Commercial Development to allow a massage therapy business is in compliance with the intent of the General Commercial District. However, since the parking requirement is being reduced in conjunction with the approved use(s) of the structure, any other use of the property will require that a Major Amendment to the Planned Commercial Development be reviewed and approved to determine if sufficient parking is being provided.

Signage: The two story brick house currently located on the property was built in 1883. Although the property is not in any Historic District, it has been restored to reflect a home of the late 1880's. Any signage for the property should reflect the historic nature of the property. As such, staff concurs with the stipulations placed on the original Planned Commercial Development relative to signage. Those stipulations are that signage for the property shall be limited to one two-faced ground sign and one wall sign. The size of the ground sign shall be limited to five foot in height and six foot in width and shall be indirectly lighted. The size of the wall sign shall be limited to four square feet and shall be indirectly lighted (no back lighted signs shall be allowed). Staff also recommends that changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, be allowed as a Minimal Amendment to the Planned Commercial Development. 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 must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the November 20, 2008 Planning Commission meeting if this requirement has not been met. Staff has received two calls of inquiry regarding this proposal.