

STAFF REPORT
July 9, 2009

**No. 09PD021 - Planned Commercial Development - Initial and Final
Development Plan**

ITEM 23

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Edward J. and Patrice Lynch
REQUEST	No. 09PD021 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	336 Meade Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Based on the recommendation of the Future Land Use Committee, staff recommends that the Planned Commercial Development - Initial and Final Development Plan be denied.

GENERAL COMMENTS:

(Update: June 29, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 25, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the associated Comprehensive Plan Amendment request. The Future Land Use Committee has subsequently met and recommended that the Comprehensive Plan Amendment be denied citing that further encroachment of commercial development in a residential neighborhood is not appropriate.

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The applicant has submitted an Initial and Final Commercial Development Plan to construct a parking lot on the property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan (File #09CA009) to change the future land use designation from Residential to Office Commercial with a Planned Commercial Development. The applicant has also submitted a Rezoning request (File #09RZ026) to change the zoning designation from Medium Density Residential District to Office Commercial District.

On May 4, 2009, the City Council denied without prejudice a Comprehensive Plan Amendment (File #09CA007) to change the future land use designation on the property from Residential to Office Commercial. In addition, the City Council denied without prejudice a Rezoning request (File #09RZ023) to change the zoning designation of the property from Medium Density Residential District to Office Commercial District.

As previously indicated, the Future Land Use Committee has subsequently considered the recently submitted Comprehensive Plan Amendment to the Future Land Use Plan (File #09CA009) to change the future land use designation from Residential to Office Commercial with a Planned Commercial Development and recommended that it be denied as further encroachment of commercial development in a residential neighborhood is not appropriate.

The property is located 70 feet east of the intersection of 5th Street and Meade Street on the north side of Meade Street. Currently, a single family residence is located on the property. The applicant has indicated that the residence will be removed and a parking lot will be constructed in order to provide additional parking for an existing dental office located on an adjacent property.

STAFF REVIEW:

Staff has reviewed the Initial and Final Planned Commercial Development request and has noted the following considerations:

Future Land Use Committee: The Future Land Use Committee will consider the associated Comprehensive Plan Amendment to the Future Land Use Plan on June 18, 2009. Since the proposed parking lot is not a permitted use in the existing Medium Density Residential zoning designation, staff recommends that this item be continued to allow the Future Land Use Committee to review the proposed change in the land use designation.

Staff recommends that the Initial and Final Commercial Development Plan be continued to the July 9, 2009 Planning Commission meeting to allow the Future Land Use Committee to review the associated Comprehensive Plan Amendment request.

(Update: June 29, 2009.) As previously indicated, the Future Land Use Committee recommends that the Comprehensive Plan Amendment to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be denied. In particular, they noted that the alley located along the west

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side of the property serves as the boundary between the neighborhood commercial use that exists adjacent to Fifth Street and the residential development that exists east, north and south of this property. In addition, Office Commercial zoning within this area would result in spot zoning since no other properties are currently zoned Office Commercial. It was also noted that in addition to residences, a church and grade school are located within a block of the property. Additional commercial uses may have a significant impact on the traffic within the residential neighborhood and potentially result in an adverse impact on the neighborhood.

Fifth Street Overlay District: The property is located in the Fifth Street Overlay District, a district boundary designed to preserve and maintain the residential area adjacent and near the Fifth Street corridor. The boundaries of the Fifth Street Overlay District are located a block east and west of Fifth Street and along Fifth Street between Fairmont Boulevard and South Street. Additional regulations are required in the Fifth Street Overlay District to protect the single family homes in the area from additional density, traffic, setback, landscaping and parking issues, and commercial encroachment. The encroachment of additional commercial land use will have a negative effect on the residential neighborhood and is not consistent with the goals of the Fifth Street Overlay District of preserving the residential area. The associated proposed amendment to the Comprehensive Plan will have a potentially negative impact on the existing neighborhood and may result in conflict. As such, the proposed change in use within the existing residential area would not result in a logical and orderly development pattern.

Parking Spaces: The parking plan identifies 18 parking spaces. However, none of the spaces are handicap accessible. The Rapid City Municipal Code requires that a minimum of one handicap accessible space be provided and that it be "van" accessible.

Fencing: The applicant is proposing to construct a six foot high cedar fence along portions of the north lot line and the east lot line to serve as a buffer between the parking lot and the residences that exist north and east of the property. However, the fence along the east lot line protrudes within the 25 foot front yard setback. Chapter 15.40.020 states that a maximum four foot high fence is allowed in a front yard. As such, a Fence Height Exception must be obtained to allow the proposed six foot high fence in the front yard or the fence must be revised to comply with the Ordinance. Staff has requested that a site plan be submitted showing the location of the adjacent residence to determine if a six foot high fence is needed in the front yard to screen vehicle headlights within the parking lot from the adjacent residence.

Setbacks: Chapter 17.50.270.G.7.b states that every multi-family or commercial parking area on a lot that abuts a single family residential lot along a side lot line shall be set back a minimum distance of 12 feet. The applicant's site plan shows a majority of the parking lot abutting the fence located directly adjacent to the side lot line. As such, the applicant has requested that an exception be granted to reduce the setback requirement along the side lot line from 12 feet to zero feet. The setback requirement

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serves to mitigate noise, odor and headlight glare between commercial parking lots and residential uses. The residential structure located on the adjacent property has been constructed approximately five feet from the side lot line. Subsequently, constructing the parking lot as proposed will result in vehicles parking within five feet of the existing residence. Even though the construction of the fence along the side lot line will reduce the effect of the headlights, it will not serve to eliminate all of the headlight glare. In addition, noise and odor from the parking lot will impact the adjacent property. As such, staff recommends that the Exception to reduce the setback from 12 feet to zero feet between the parking lot and residential lot be denied. In addition, the site plan must be revised to provide a minimum 12 foot setback to the side lot line of the residential lot as required.

Alley: The parking plan identifies access to the parking lot being taken from the adjacent alley. However, an alley is only allowed to provide a secondary means of access as per the Street Design Criteria Manual. As such, the proposed access does not comply with the adopted standards.

The applicant is also proposing to pave that portion of the alley located adjacent to the property. However, a manhole currently exists within this portion of the alley. As such, construction plans must be submitted for review and approval, showing the adjustment of the manhole to the new final grade of the alley in accordance with City Standard Specifications.

Drainage: The parking plan identifies pavement of the adjacent alley as well as the parking lot resulting in additional drainage from the property. As such, a drainage plan must be submitted for review and approval to insure that the development does not create any adverse drainage impacts drainage onto the adjacent properties. To date, this information has not been submitted.

Lighting: The applicant has submitted a lighting plan showing pole mounted lights within the parking lot. The applicant has also indicated that the lights will turn off at 10:00 p.m. with the exception of the center light which will stay on for security purposes.

All the lighting must be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

Landscaping: A minimum of 6,970 landscaping points are required. The applicant has submitted a landscaping plan showing 8,280 points. The landscaping plan identifies a mix of trees and shrubs along the east lot line. The applicant has indicated that the landscaping will be irrigated.

Permits/Agreements: A building permit must be obtained prior to the start of construction of the parking lot. In addition, the applicant should be aware that a parking agreement will be required if the parking lot is to be used for his dental office

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located on the adjacent property.

Notification Requirement: As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no calls regarding the proposed request at the time of this writing.

Based on the recommendation of the Future Land Use Committee, staff recommends that the Initial and Final Planned Commercial Development to allow a parking lot on the property be denied since rezoning the property from Medium Density Residential District to Office Commercial District is not consistent with the adopted Comprehensive Plan and since a parking lot is not a permitted use in the Medium Density Residential District.