

STAFF REPORT
July 23, 2009

No. 09OA006 - Ordinance Amendment to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial Zoning District by Amending Section 17.40.030 of the Rapid City Municipal Code

ITEM 37

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	No. 09OA006 - Ordinance Amendment to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial Zoning District by Amending Section 17.40.030 of the Rapid City Municipal Code
DATE OF APPLICATION	6/26/2009
REVIEWED BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Ordinance Amendment to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial Zoning District by Amending Section 17.40.030 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

On June 25, 2009, Rapid City Regional Hospital requested the Planning Commission to sponsor an Ordinance Amendment to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial District. The Planning Commission subsequently authorized staff to advertise for public hearing to consider the Ordinance Amendment as requested, although numerous concerns were expressed.

Currently, the sales of medical supplies and equipment rental are permitted uses in the General Commercial District, the Central Business District, the SC-1 Neighborhood Shopping Center District and the SC-2 Neighborhood Shopping Center District.

STAFF REVIEW:

Staff has reviewed the request to amend Chapter 17.40.030 of the Rapid City Municipal Code to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial District and has noted the following considerations:

Office Commercial District Uses: The Office Commercial District allows the full range of residential development including single family dwelling units, two family dwelling units as well as multi-family dwelling units. In addition, limited commercial uses such as art galleries, medical facilities, laboratories, libraries, museums and office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. In order to minimize the undesirable impact of commercial uses mixed with residential development, the permitted commercial uses are relatively low impact uses that do not generate significant noise, vehicular traffic or additional truck deliveries. As such, amending the Ordinance as proposed to allow retail sales is not consistent with the

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intent of the Office Commercial District. The sale of medical supplies and equipment rental use is currently permitted in the General Commercial District, the Central Business District, the SC-1 Neighborhood Shopping Center District and the SC-2 Neighborhood Shopping Center District. The intent of these zoning districts is to cater to the general retail business of the City and is typically separated from residential development. It appears that there are adequate locations available in the community for this type of commercial use.

Precedent: Amending the Ordinance as proposed to allow the sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial District establishes a precedent that allows retail sales in the zoning district. Subsequently, it will be difficult in the future to exclude other retail sales requests in the Office Commercial District and as such, jeopardizes the intent of the Office Commercial District. The introduction of retail sales in the Office Commercial District could also have a significant adverse affect on the residential development that is also allowed within the district due to the vehicular traffic, parking, truck deliveries and noise issues associated with retail sales use(s). The negative impacts on these residential developments could result in compromising the standard of living as well as creating safety concerns due to the increase in the commercial traffic typically generated by retail uses.

Medical Facilities: The Office Commercial District currently allows “medical facilities, not including veterinary establishments, with pharmacies allowed as an accessory use to permitted medical facilities”. Allowing the sales of medical supplies and equipment rental as an accessory use to a medical facility would be similar to the retail sales allowed with the pharmacy accessory to a medical facility. This also precludes the facility from being used primarily or exclusively for retail sales and/or rentals which minimizes the traffic, parking and noise issues related to the use. As such, staff could support an Ordinance Amendment to revise Chapter 17.40.020.D to allow the sales of medical supplies and equipment rentals as an accessory use to a medical facility.

The proposed Ordinance is not consistent with the intent of the Office Commercial District and would establish a precedent that allows retail sales in the Office Commercial District. In addition, there are significant locations available in other zoning district where sales of medical supplies and equipment rental are currently allowed. Further, the potential impacts of the proposed use may significantly and negatively affect the wide range of residential uses allowed in the Office Commercial District. As such, staff recommends that the Ordinance Amendment to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial District be denied.