

STAFF REPORT
September 24, 2009

No. 09PD040 - Planned Commercial Development - Initial and Final Development **ITEM 29**

GENERAL INFORMATION:

APPLICANT/AGENT	Vern Osterloo for Rapid City Regional Hospital
PROPERTY OWNER	Rapid City Regional Hospital
REQUEST	No. 09PD040 - Planned Commercial Development - Initial and Final Development
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Fox Run Subdivision, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.095 acres
LOCATION	301 Fox Run Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District
South:	Low Density Residential District - Medium Density Residential District (Planned Residential Development)
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/28/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development be approved with the following stipulations:

1. An Exception is hereby granted waiving the requirement to provide an opaque screening fence along the east and south lot lines of the property with the stipulation that the City may require that an opaque screening fence be installed at any time in the future;
2. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, a Demolition Permit shall be obtained for the removal of the garage from the property;
3. The structure shall continue to conform architecturally to the plans and elevations approved as part of this Commercial Development Plan. In addition, the color of the

STAFF REPORT
September 24, 2009

No. 09PD040 - Planned Commercial Development - Initial and Final Development **ITEM 29**

- building shall be rose color as currently existing or may be changed to an earth tone color;
6. A minimum of 16 parking spaces shall be provided. In addition, one of the parking spaces shall be a "van" accessible handicap space. All provisions of the Off-Street Parking Ordinance shall be continually met;
 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. 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;
 8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 9. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
 10. All currently adopted International Fire Codes shall be met;
 11. A minimum of 56,320 landscaping points shall be provided as proposed. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 12. The Planned Commercial Development shall be used as a medical supply and equipment sales and rental facility with offices and a maximum of 13,987 square foot storage area to be used exclusively by this facility. Any change in use shall require the review and approval of a Major Amendment to the Planned Commercial Development;
 13. The side yard setback is hereby reduced from 25 feet to 20 feet 8 inches for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot side yard setback;
 14. All provisions of the Office Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
 15. The Planned Commercial Development 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Commercial Development Plan approval expiration date, a one year extension for Final Commercial Development Plan approval may be granted.

GENERAL COMMENTS:

The applicant has submitted an Initial and Final Commercial Development Plan to allow the

STAFF REPORT
September 24, 2009

No. 09PD040 - Planned Commercial Development - Initial and Final Development **ITEM 29**

sales of medical supplies and medical equipment rentals with offices and storage within the existing building located on the property. Rapid City Regional Hospital owns the property and most medical equipment will be delivered to the patient at their residence, hospital or nursing facility. The applicant has indicated that they anticipate that there will be limited on-site retail sales.

In 1984, a Planned Residential Development was approved to allow a five-unit townhome development on the property. In 1986, a Major Amendment to the Planned Residential Development was approved to allow an apartment building on the property. In March of 1993, the Planned Residential Development was again amended to allow for the construction of a 15 bed assisted living complex for the elderly. In September of 1993, a Major Amendment to the Planned Residential Development was approved for the construction of a second 15 bed, 6,120 square foot building and a 1,080 square foot garage. Most recently, in March of 2001 a Major Amendment to the Planned Residential Development was approved to construct a 2,106 square foot addition that connected the two existing buildings. It was noted that the facility would continue to be used as an assisted living facility. The applicant is now proposing to operate a medical supply and equipment sales and rental business on the property. An Initial and Final Planned Commercial Development application has been submitted for review and approval in lieu of a Major Amendment to the previously approved Planned Residential Development.

On August 17, 2006, the City Council approved an Ordinance Amendment (#09OA006) to allow sales of medical supplies and equipment rental as a Conditional Use in the Office Commercial District.

The property is located in the southwest corner of the intersection of Fox Run Drive and 5th Street. Currently, a 13,100 square foot building and a 1,080 square foot garage are located on the property. The applicant has indicated that the garage will be removed from the site and additional parking will be constructed within this area.

STAFF REVIEW:

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

Design Features: The applicant has submitted an elevation of the existing building identifying a one story structure with a peaked shingled roof. The building is constructed with simulated wood siding, wood, and glass with wood decks and access ramps. In addition, the building colors are brown and shades of rose.

Staff recommends that the structure conform architecturally to the plans and elevations and color palette approved as part of this Commercial Development Plan. In addition, the color of the building shall be rose color as currently existing or may be changed to an earth tone color.

Parking: The applicant has indicated that the structure will be used for retail, office and storage. A 2,500 square foot area is shown as retail and office. The balance of the building,

STAFF REPORT
September 24, 2009

No. 09PD040 - Planned Commercial Development - Initial and Final Development **ITEM 29**

a 13,987 square foot area is shown as storage. The applicant has indicated that the storage will be used for the medical equipment sales and rental only and is needed due to the size of some of the equipment.

Based on the proposed uses, a minimum of 16 parking spaces must be provided. In addition, one of the parking spaces must be "van" handicap accessible. The applicant has submitted a site plan identifying 16 parking spaces with one of the spaces being "van" handicap accessible. The applicant should be aware that any change in use or expansion of the retail and/or office uses will require that additional parking being provided pursuant to Chapter 17.50.270 of the Rapid City Municipal Code.

Staff recommends that a minimum of 16 parking spaces be provided as required. In addition, one of the parking spaces must be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: A minimum of 34,572 landscaping points are required. The applicant's landscaping plan identifies that 56,320 points are being provided. In particular, the landscaping plan shows an existing row of evergreen hedges located along a portion of the west lot line, evergreen trees along the south lot line and smaller evergreen shrubs and deciduous trees in the front yards abutting Fox Run Drive and 5th Street. The existing landscaping is fairly mature providing a buffer to the residence located west of the property. A large natural detention area abuts the property to the south providing a buffer.

Staff is recommending that the landscaping comply with the proposed landscaping plan. The landscaping plan must also comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Signage: The applicant has submitted a sign package showing an 5 foot 6 inch high monument sign located in the northeast corner of the property. In particular, the monument sign sits on a base measuring 2 foot 2 inches wide, 10 feet long and 1 foot 6 inches high. The balance of the sign measures 1 foot 2 inches wide, 8 foot long and 4 foot high. The sign and base are heavily textured metal painted to match the building in shades of brown and rose. A wall sign is being proposed above the front entrance of the building. The sign measures 18 inches in height and 66 inches in length and is being constructed with wood painted to match the monument sign. The applicant has indicated that both signs will identify the occupant of the building.

Staff is recommending that all signage conform to the sign package submitted as a part of the Planned Commercial Development. 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 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.

STAFF REPORT
September 24, 2009

No. 09PD040 - Planned Commercial Development - Initial and Final Development **ITEM 29**

Setbacks: The existing structure is located 20 feet 8 inches from the south lot line of the property. However, the Office Commercial District requires a minimum 25 foot side yard setback. There is no record that an Exception was requested and/or obtained to reduce the setback to allow the existing structure. As such, it appears that the existing structure is illegal. The applicant has subsequently requested that the minimum 25 foot setback be reduced to 20 feet and 8 feet as a part of this Commercial Development Plan.

The applicant is not proposing to expand the structure. In addition, the structure is not located within any sight triangles or drainage areas. Since the structure has been located on the property since 2001 without any apparent significant affects, staff recommends that the side yard setback be reduced from 25 feet to 20 feet 8 inches for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot side yard setback.

Fencing: The Office Commercial District requires an opaque ornamental screening fence, not less than 5 nor more than 6 feet in height, constructed along the property lines abutting a residential district. The property to the west is currently zoned Medium Density Residential and the properties to the south are currently zoned Low Density Residential and Medium Density Residential with a Planned Residential Development. As such, an opaque screening fence is required along the west and south lot lines of the property.

The applicant has requested an Exception to the screening requirement noting that a row of hedges currently exist along a portion of the west lot line providing a buffer between the parking lot on this property and the residences located on the adjacent properties. The applicant has also submitted a letter from the two adjacent property owners requesting that the fence requirement be waived since the hedges currently provide a buffer. In addition, large evergreen trees exist along portions of the south lot line which abuts City owned drainage area. The terrain along the southern portion of the property drops off into a valley which minimizes any screening that may be provided by a fence. In addition, several large evergreen trees and some deciduous trees exist within this portion of the property providing a partial buffer. As such, staff recommends that an Exception be granted waiving the requirement to provide an opaque screening fence along the east and south lot lines of the property with the stipulation that the City can require that a fence be provided at any time in the future. This will allow any unanticipated impacts to be addressed in the future; particularly should the property to the south be developed.

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 September 24, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.