

STAFF REPORT
December 9, 2010

No. 10UR036 - Conditional Use Permit to allow a Group Home in the General Commercial District **ITEM 18**

GENERAL INFORMATION:

APPLICANT	Roger & Janice Knutsen
PROPERTY OWNER	Bellwether Limited Partnership
REQUEST	No. 10UR036 - Conditional Use Permit to allow a Group Home in the General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 1-6, Lots 27-32 and vacated alley adjacent to Lots 1-6 and Lots 27-32, all located in Block 25, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.02 acres
LOCATION	717 Meade Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/10/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a group home in the General Commercial District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy of the group home;
2. The currently adopted International Fire Code and Building Code shall be continually met. A fire sprinkler and fire alarm system shall continually be provided within the commercial structure;
3. A minimum of 37,357 landscaping points shall be provided. 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;
4. A minimum of 39 parking spaces shall be provided. In addition, three of the spaces shall

STAFF REPORT
December 9, 2010

No. 10UR036 - Conditional Use Permit to allow a Group Home in the General Commercial District **ITEM 18**

- be handicap accessible with one of the handicap spaces being “van” accessible;
5. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment; and,
 6. The property shall be used as a medical facility and as a group home as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the group home shall consist of a maximum of four clients and one staff member. However, 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 two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit application to allow a group home to be located within the basement of the existing commercial structure located on the property. In particular, the applicant has indicated that the group home will consist of three to four clients with learning disabilities and one staff member.

The property is currently zoned General Commercial District. On October 18, 2010, the City Council approved an Ordinance Amendment (File #10OA005) to allow a group home as a Conditional Use in the General Commercial District.

The property is located in the southwest corner of the intersection of Meade Street and 7th Street. As previously indicated a commercial structure is located on the property. The structure is currently being used as a medical facility.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit application has noted the following considerations:

Use: The applicant has indicated that the basement of the existing commercial structure will be used for the group home. In particular, the group home will consist of three to four clients with learning disabilities. In addition, a staff member will be on the site at all times. The applicant has also indicated that the goal is to create a home-like environment for the clients, each having their own bedroom and bathroom and sharing the kitchen, dining and living room areas.

Chapter 17.04.350 of the Rapid City Municipal Code states that a group home means “an activity providing personal assistance to six or more individuals unrelated by blood marriage who, by reason of mental or physical disability, addiction to drugs or alcohol, or family and school adjustment problems, require specialized attention and care in order to achieve personal independence. Such assistance must include board and room, and may include counseling, rehabilitative services and other incidental services customarily provided by group homes. This shall not include missions, detoxification centers or detention centers”. Based on the applicant’s description of the proposed use of the property, it is identified as a

STAFF REPORT
December 9, 2010

No. 10UR036 - Conditional Use Permit to allow a Group Home in the General Commercial District **ITEM 18**

group home as per Chapter 17.04.350 of the Rapid City Municipal Code.

Staff recommends that the property be used as a medical facility and as a group home as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the group home shall consist of a maximum of four clients and one staff member. However, 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 two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Conditional Use Permit.

Landscaping Plan: A minimum of 35,150 landscape points are required on the lot. The applicant has submitted a landscaping plan showing 37,337 landscape points on the lot. Staff recommends that the landscaping be provided as proposed. In addition, the landscaping plan must comply with all requirements of the Zoning Ordinance. All landscaping must also be continually maintained in a live vegetative state and replaced as necessary.

Parking: The applicant currently owns Lots 1 through 14, Lots 21 through 32 and Tract B of Block 25, South Boulevard Addition. The lots are adjacent to each other and have been developed with two commercial buildings and a shared parking lot. The applicant has previously secured a Parking Agreement to allow the existing 129 shared parking spaces to be used by all of the tenants within the two commercial buildings.

The applicant is proposing to locate the group home within the basement of the commercial building located on Lots 1 through 6 and Lots 27 through 32. The existing medical facility located within this commercial building and the proposed group home requires that a minimum of 39 parking spaces be provided on the property. In addition, a minimum of 41 parking spaces must be provided on the adjacent lots for the medical facilities located in the adjacent commercial building. The applicant has submitted a site plan identifying 62 parking spaces with three handicap spaces located on Lots 1 through 6 and Lots 27 through 32. In addition, the site plan identifies 67 parking spaces located on the adjacent lots for a total of 129 shared parking spaces.

Staff recommends that a minimum of 39 parking spaces continue to be provided on Lots 1 through 6 and Lots 27 through 32 for the medical facility and group home. In addition, three of the spaces must be handicap accessible with one of the handicap spaces being "van" accessible. All provisions of the Off-Street Parking Ordinance must be continually met.

Fire Code/Building Code: A fire sprinkler and fire alarm system are currently provided within the commercial structure. Staff recommends that all currently adopted International Fire Code(s) and Building Code(s) be continually met. In addition, a fire sprinkler and fire alarm system must continually be provided within the commercial structure.

Handicap Ramps: Currently, the sidewalk located adjacent to the property does not meet Americans with Disabilities Act (ADA) requirements. The applicant should be aware that

STAFF REPORT
December 9, 2010

No. 10UR036 - Conditional Use Permit to allow a Group Home in the General Commercial District **ITEM 18**

any future building permit for a new or relocated building will require that the sidewalk be brought into compliance with these design standards.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the December 9, 2010 Planning Commission meeting if these requirements have not been met.