

STAFF REPORT

May 5, 2011

No. 11UR010 - Conditional Use Permit to allow an art center in the Central Business District

ITEM 11

GENERAL INFORMATION:

APPLICANT	Vince Braun - Black Hills Workshop
AGENT	Gale Johnson
PROPERTY OWNER	MHW Limited Partnership
REQUEST	No. 11UR010 - Conditional Use Permit to allow an art center in the Central Business District
EXISTING LEGAL DESCRIPTION	Lots 17-22 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .48 acres
LOCATION	722, 724 and 738 Saint Joseph Street and 514, 516 and 518 Mt. Rushmore Road
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/4/2011
REVIEWED BY	Karen Bulman / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an art center in the Central Business District be approved with the following stipulations:

1. The Conditional Use Permit shall allow for an art center to be located on the property. Other uses permitted within the Central Business District shall be allowed as a Minimal Amendment to the Conditional Use Permit requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the Central Business District shall require a Major Amendment to the Conditional Use Permit;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;

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3. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
4. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit. As the property is located in the environs of the Downtown Historic District, any changes to the exterior of the building in the future will require approval from the Historic Preservation Commission;
5. All applicable provisions of the currently adopted International Fire Code shall be continually met;
6. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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. All signage shall obtain review and approval from the Historic Sign Review Committee prior to obtaining a sign permit;
7. All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within five 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 Conditional Use Permit request to allow an art center in the Central Business Zoning District on property at 738 St. Joseph Street. The applicant is proposing to remove two walls at the northeast corner of the building, retaining the roof, and constructing a parking lot. The property is located in the Central Business Zoning District and art centers require a Conditional Use Permit.

The property is located at the northeast corner of St. Joseph Street and Mt. Rushmore Road. A one story commercial structure, currently housing UBS and other tenants, is located on the property.

STAFF REVIEW: Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located within the Central Business District at 738 St. Joseph Street, on the northeast corner of Mt. Rushmore Road and St. Joseph Street. The existing brick building is the location of UBS and other tenants. The applicant's plans include removing the rear and center walls at the northeast corner of the building, retaining the roofing, and adding a parking lot under this roof. As the property is in the environs of the Downtown Historic District, they have submitted and received approval from the Historic Preservation Commission for the changes to the building. Any future changes to the

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exterior of the building will require approval from the Historic Preservation Commission. The art center is not proposed to be at this location within the next year or two. As such, the proposed Conditional Use Permit will be extended to five years. If the art center is not relocated to this property within the five years, the Conditional Use Permit will expire.

2. *The location, character and design of adjacent buildings:*

The buildings adjacent to the existing building are commercial structures of similar construction and design and are of brick construction. Staff finds that the design and character of the building is consistent with the design and character of the adjacent buildings.

3. *Proposed fencing, screening and landscaping:*

The applicant has not proposed any fencing, screening and/or landscaping with this Conditional Use Permit request. As previously stated, the property is located within the Central Business District indicating that no landscaping is required for the property. In addition, all adjacent properties are zoned Central Business District and no additional screening from adjacent properties is required.

4. *Proposed vegetation, topography and natural drainage:*

The property is located within the Central Business District and is entirely hard-surfaced. As such, no natural or proposed vegetation exists on the property.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The property is located on the corner of St. Joseph Street and Mt. Rushmore Road, both principle arterials on Rapid City's Major Street Plan. Existing sidewalks are located adjacent to the building which provides access for pedestrians. The property is located within the Central Business District and, as such, no off-street parking is required to be provided. However, on-street parking is provided in front of the building along the St. Joseph Street right-of-way. The proposed parking lot will be used for the occupants of the art center.

6. *Existing traffic and traffic to be generated by the proposed use:*

The building is currently occupied by UBS and other tenants and will remain occupied until such time as the art center is located in the building. The proposed parking lot at the rear of the building will provide parking for the occupants of the art center. Patrons of the art center will be able to utilize the 16 parking spaces at 511 Mt. Rushmore Road that is currently owned by the property owner. As such, no increased traffic should be generated by the proposed art center use.

7. *Proposed signs and lighting:*

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There are two existing signs located on the west and south sides of the building. The applicant is proposing to change the signage to include three awnings with signage on the awnings to read "Art Gallery", "Suzie Cappa Center", and "Art Classes". The applicant also indicates that there will be additional window signage. The property is located in the environs of the Downtown Historic District and as such, historical review of any future signage will be required.

Staff recommends that all signage conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the sign(s) 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.

8. The availability of public utilities and services:

The property is served by City water and sewer services. There are no proposed changes to utility services with this Conditional Use Permit.

The Fire Department has indicated that the applicant is working with the Fire Department to ensure that the structure will have fire sprinkler protection. The fire sprinkler system and the fire alarm system must meet all current requirements as indicated by the Rapid City Fire Department.

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:

The property is zoned Central Business District which forms the metropolitan center for commercial, financial, professional, governmental and cultural activities. The proposed art center use will aid in expanding the cultural activities of the metropolitan center.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The property is located within the Central Business Zoning District. As such, no front, side or rear yard setbacks are required and there are no maximum height restrictions on buildings. The existing structure has no front, side yard or rear yard setback. The existing structure is one story in height. In addition, for structures less than 7 stories in height, the allowable lot coverage is 100%.

11. The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:

The proposed use for the property is an art center. All art work will be contained within

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the building. No pollution has been identified that requires mitigation.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

The art center will be open during the day and will serve as a place to work on art projects, take art classes and be a retail outlet for the art produced. Staff has not identified any adverse impacts on adjacent uses that require mitigation.

Notification Requirement: As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 5, 2011 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit be approved with the stipulations as identified above.