

STAFF REPORT
September 8, 2011

**No. 11UR025 - Conditional Use Permit to allow an establishment for
the production and repair of prosthetic appliances**

ITEM 11

GENERAL INFORMATION:

APPLICANT	Advanced Prosthetics
AGENT	Loren Miles and Chris Long for Prudential Kahler Realtors
PROPERTY OWNER	Jed's Limited Partnership
REQUEST	No. 11UR025 - Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances
EXISTING LEGAL DESCRIPTION	Lot E located in the SW1/4 SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.38 acres
LOCATION	5955 S. Highway 16, Suite C
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	8/12/2011
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances 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;
2. All applicable provisions of the International Fire Code shall be continually maintained;
3. A minimum of 49,622 landscape points shall be provided. In addition, a minimum of one planter island shall be provided within the parking lot. The planter island shall contain a

STAFF REPORT
September 8, 2011

No. 11UR025 - Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances **ITEM 11**

minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Changes to the landscaping plan that continue to comply with the landscaping regulations shall be allowed as a minimal amendment. Any change in the approved landscape plan that does not comply with the landscaping requirements shall require a Major Amendment to the Planned Commercial Development;

4. A minimum of 49 parking spaces shall be provided. A minimum of four provided spaces shall be ADA accessible. Additionally, a minimum of two spaces shall be "van accessible";
5. 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 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 be obtained for each individual sign;
6. This Conditional Use Permit shall allow the use of a prosthetics repair and production facility in a General Commercial District. Any other uses permitted in a General Commercial District shall be allowed. Conditional uses of a General Commercial District shall require review and approval as a Major Amendment to the Conditional Use Permit.
7. This Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by City Council or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: On August 12, 2011, the applicant submitted a request for a Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances in a suite located at 5955 South Highway 16. The property is currently zoned as a General Commercial District. A facility used for the production and repair of prosthetic appliances is a Conditional Use in the General Commercial District (Rapid City Municipal Code 17.18.030.5).

The property is located in the southern portion of the city, immediately west of Highway 16 and south of Promise Road. The existing structure consists of six suites in one building, constructed on approximately 1.38 acres of land. In 2008, a Conditional Use Permit for an on-sale liquor establishment was approved for Suite G only, located in the same building. This Conditional Use Permit is for Suite C only. Currently, a warehouse, a restaurant, a salon, and a dental clinic are located in four of the six suites in the building.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit and has noted the following considerations:

Site Plan: The site plan included with the submitted application shows Suite C to be a 38 foot wide by 48 foot deep office and lab totaling 1,824 square feet. A minimum of 25 feet are

STAFF REPORT
September 8, 2011

**No. 11UR025 - Conditional Use Permit to allow an establishment for
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ITEM 11

required for the front setback. A 30 foot setback is required in the rear. Setback requirements are currently being met. Structures in a General Commercial District may cover a maximum of 75 percent of the lot. Lot coverage for this structure is approximately 20 percent. The proposal is not expanding or adding to the existing structure.

Landscaping: A landscaping plan including a minimum of 49,622 landscape points was approved as part of a Conditional Use Permit for the property in 2008 (File # 08UR001). A minimum of one planter island was approved as part of the required landscaping. The landscaping must be maintained in compliance with the approved landscaping plan and comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscape plan will require a Major Amendment to the Planned Commercial Development.

Drainage: Plans submitted by the applicant show no increase in the structures or impervious area on the property. Additionally, there does not appear to be any changes to drainage and runoff. Existing drainage and erosion control measures appear to be adequate.

Utilities: The submitted application shows water service is provided to the unit from a 1.5 inch tap from a common 6 inch service line. Sewer service appears to be provided by a common 6 inch sewer service line. The proposed use does not appear to utilize unusually high amounts of water or generate high sewage flows. Utility service for the proposed use appears to be adequate.

Parking: In 2008, a Conditional Use Permit to allow an on-sale liquor establishment was approved for Suite G in this building. The approved Conditional Use Permit included a stipulation that a minimum of 42 parking spaces were to be provided for the building. Uses and square footages of the suites located in the building have changed since the approval of the previous Conditional Use Permit. The applicant has submitted the uses and square footages for the current and proposed occupants of the building. There are a total of 64 parking spaces currently being provided for the building. Four of these parking spaces are shown as ADA accessible. Two of those ADA accessible spaces are shown to be van accessible. Based on existing and proposed uses, a minimum of 49 parking spaces must be provided.

Signage: The applicant has submitted a sign package including all signs currently located on the property. The submitted and proposed signs appear to be in compliance with the Rapid City sign code. The applicant has not indicated that additional signage will be requested. Additional signage, with the exception of electronic signage, will be allowed per the requirements set forth in the Rapid City Municipal Code Chapter 15.28. All signage must 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 will require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs must be designed to preclude shining on the adjacent properties

STAFF REPORT
September 8, 2011

**No. 11UR025 - Conditional Use Permit to allow an establishment for
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ITEM 11

and/or street(s). A sign permit must be obtained for each individual sign.

Review Criteria: Chapter 17.54.030.E of the Rapid City Municipal Code provides criteria for the review of a Conditional Use Permit. Staff has reviewed the proposed use according to the criteria and has noted the following considerations:

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

The property is located at 5955 South Highway 16. The existing building is a one story commercial mall.

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

There are no adjacent buildings to this property. The nearest building is located approximately 450 feet to the west at 1930 Promise Road and is the location of Fire House 6 of the Rapid City Fire Department.

3. *Proposed fencing, screening and landscaping:*

The proposed prosthetics clinic does not trigger additional landscaping or screening.

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

There will be no changes in impervious surfaces, topography or drainage.

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

U.S. Highway 16 and the U.S. Highway 16 Service Road to the east, as well as Promise Road to the north, provide vehicular and bicycle access to the site. The uses on the site require that a minimum of 49 parking spaces be provided. There are 64 parking spaces on-site. Four of those spaces are ADA accessible, and two of those four are "van accessible".

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

The prosthetics clinic will generate approximately eight peak hour trips on weekday afternoons. Sufficient parking for the trips generated by the prosthetics clinic is being provided.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package including all signs currently located on the property. The submitted and proposed signs appear to be in compliance with the Rapid City sign code. The applicant has not indicated that additional signage will be requested.

STAFF REPORT
September 8, 2011

No. 11UR025 - Conditional Use Permit to allow an establishment for the production and repair of prosthetic appliances **ITEM 11**

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water.

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

The property is intended to be used for general commercial uses. The proposed prosthetics clinic requires a Conditional Use Permit. The proposed clinic is allowed with approval of a Conditional Use Permit in the General Commercial District. One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to provide a variety of centers for community activities and employment that meet the needs of residents and are integrated into the fabric of the community. The objective of the adopted comprehensive plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted comprehensive plan is to insure that there is sufficient separation of conflicting uses. Existing businesses on the property included dental offices and beauty salons.

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

The existing development on the property is in compliance with the density, yard and height requirements of the General Commercial District.

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 property is not adjacent to, nor does it abut a residential district.

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

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the proposed expansion will maintain sufficient parking, will provide fire protection and that the currently adopted International Fire Codes are continually met. The site is sufficiently buffered from existing residential development and will not create additional noise or light nuisances.

Notification Requirements: At this time, the required sign has not been posted on the property. The required receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the September 8, 2011 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries regarding this Conditional Use request.