

STAFF REPORT
March 22, 2012

No. 12UR006 - Conditional Use Permit to allow professional offices

ITEM 15

GENERAL INFORMATION:

APPLICANT	Kurt Whitesell - Whitesell Financial Group
PROPERTY OWNER	Whitesell Properties, LLC
REQUEST	No. 12UR006 - Conditional Use Permit to allow professional offices
EXISTING LEGAL DESCRIPTION	The north 1/2 of Lots 28-32 of Block 111 of the Original Town of Rapid City located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.2 acres
LOCATION	817 9th Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	High Density Residential District
South:	High Density Residential District
East:	High Density Residential District
West:	High Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	2/21/2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow professional offices be approved with the following stipulations:

1. A minimum of one handicap "van accessible" parking space shall be provided as per the variance granted on December 1, 2004, by the Zoning Board of Appeals. Any change in use shall require that the property come into compliance with the Parking Regulations, Chapter 17.50.270 of the Rapid City Municipal Code, or obtain a variance;
2. A minimum of 5,656 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
3. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
4. All outdoor lighting shall be reflected within the property boundaries so as to not shine

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- onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
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 also be obtained for each individual sign;
 6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 7. The Conditional Use Permit shall allow the property to be used as professional and/or medical offices. Any use other than professional offices shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow a professional office in the High Density Residential District. Previously, the property was granted a Conditional Use Permit to allow a dental office. A dental office was viewed as a medical facility and was a conditional use in the High Density Residential District. The applicant has used the property as professional offices since 2005. Currently, the applicant is proposing to expand the professional office use inside the existing structure. A Conditional Use Permit is required for professional offices in the High Density Residential District. The applicant has identified that financial services are located in the building and that the hours of operation are from 8AM to 5PM.

On June 12, 1877, the property was platted as a part of the Original Town of Rapid City.

On June 6, 1977, a Conditional Use Permit to allow a dental office (File #UR259) was approved. A medical facility, which includes a dental office, was a conditional use in the High Density Residential District at the time.

On January 3, 1983, the City Council approved a Conditional Use Permit (File #UR485) to allow an addition to a dental office.

The property is located on the west side of 9th Street between Columbus Street and Quincy Street. A two story structure and a detached garage are currently 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 on the west side of 9th Street between Columbus Street and Quincy Street. A two story structure and a detached garage are currently located on the property.

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

The properties to the north and west are one story residential structures. The property to the south is a former chiropractic office. The property to the east is a multiple story condominium building.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any additional fencing or screening. The applicant has submitted a landscaping plan showing 12,870 landscape points. A minimum of 5,656 landscaping points must be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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:*

Vehicular access is off of 9th Street. There is a sidewalk along 9th Street providing pedestrian access to the property. The site plan shows a total of one handicapped van accessible parking stall. On December 21, 2004, the Zoning Board of Appeals granted a Variance to allow one handicap accessible parking stall and to limit the use to professional offices. A minimum of 1 handicap "van accessible" parking space must be continually provided as per the variance granted on December 1, 2004, by the Zoning Board of Appeals. Any change in use will require that the property come into compliance with the Parking Regulations, Chapter 17.50.270 of the Rapid City Municipal Code, or obtain a variance.

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

The proposed professional offices will generate approximately six trips per weekday peak hour and approximately 36 trips per weekday. The proposed use does not appear to create any impacts to the adjacent street network.

7. *Proposed signs and lighting:*

The applicant has not submitted a sign package with this application. 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 and/or street(s). A sign permit must also be obtained for each individual sign. The applicant has not proposed any outdoor lighting. All outdoor lighting must be

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reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

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 Zoning Ordinance is the tool that implements the Comprehensive Plan. Professional offices are a conditional use in the High Density Residential District. The Conditional Use Permit will allow the property to be used as professional offices. Any change in use that is a permitted use in the High Density Residential District will require the review and approval of a Minimal Amendment. The Conditional Use Permit shall allow the property to be used as professional offices. Any conditional use other than professional offices or medical offices will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

In 1990 the Zoning Board of Appeals granted a Variance to reduce the side yard setback from eight feet to 2.9 feet and to allow a 35.9% lot coverage in lieu of the minimum 30% lot coverage. On December 21, 2004, the Zoning Board of Appeals granted a Variance to reduce the parking requirement to one handicap accessible parking stall and to limit the use to professional offices. All provisions of the High Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.

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

No potential odor, smoke, air or water pollution have been identified.

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

The stipulations of approval will ensure that any change in use will require that the property come into compliance with the parking regulations. In addition, the stipulations of approval will ensure that the property continually complies with the Rapid City Municipal Code and International Fire Code.

Notification: As of this writing, the white certified mail receipts and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the March 22, 2012 Planning Commission meeting if these requirements have not been met.

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