

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

GENERAL INFORMATION:

APPLICANT	Presbyterian Retirement Village of Rapid City, Inc.
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Presbyterian Retirement Village of Rapid City
REQUEST	No. 12UR012 - Major Amendment to a Conditional Use Permit
EXISTING LEGAL DESCRIPTION	Block 24A of Robbinsdale Addition No. 7 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.0 acres
LOCATION	255 Texas Street
EXISTING ZONING	Medium Density Residential District - Low Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District - Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	4/27/2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit 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. Prior to issuance of a building permit, the property owner shall sign a Waiver of Right to Protest for sidewalk installation as per Chapter 12.08.060 of the Rapid City Municipal

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

- Code;
3. Prior to issuance of a building permit, the applicant must submit a revised parking plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. A minimum of 191 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
 4. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
 5. Prior to issuance of a building permit, the applicant shall enter into an access agreement with the City for the curb stop on private property as per Section 3, Figure 3-7A of the Infrastructure Design Criteria Manual;
 6. Prior to issuance of a building permit, structural design plans for any retaining wall over four feet in height shall be submitted for review and approval;
 7. Prior to issuance of a building permit, a signed Erosion and Sediment Control Plan shall be submitted for review and approval;
 8. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 9. All applicable provisions of the adopted International Fire Code shall continually be met;
 10. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 11. The existing Air Quality Construction Permit shall be modified to increase the area of disturbance prior to any further surface disturbance;
 12. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Conditional Use Permit. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Conditional Use Permit;
 13. A minimum of 528,862 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;
 14. All signage shall continually 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. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal 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;
 15. All outdoor lighting shall be 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;
 16. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment; and,

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

17. The Major Amendment to a Conditional Use Permit shall allow the property to be used as a healthcare facility and assisted living center. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Conditional Use Permit to expand the existing healthcare facility to include an attached three story building addition with 11 apartments. The proposed addition is located at the southeast corner of the property abutting the terminus of Centennial Street. The proposed building addition will have a building footprint of 6,307 square feet for a total of 18, 921 square feet on three levels. In addition, the applicant is proposing to construct six garages at the existing northwest garage complex and to provide 7 additional parking spaces on site.

On April 8, 2004, a Conditional Use Permit to allow for the expansion of an existing healthcare facility (File #04UR005) was approved with stipulations.

On June 10, 2010, a Major Amendment to a Conditional Use Permit to allow for the expansion of campus amenity facilities (File #10UR014) was approved with stipulations. In addition, the Community Planning and Development Services Director has approved six Minimal Amendments for smaller expansions on the above legally described property.

On May 15, 2012, the Zoning Board of Adjustment granted a Variance to the Zoning Ordinance to reduce the minimum required front yard setback from 25 feet to 17 feet on Centennial Street for the three story apartment addition proposed with this application.

The property is located southeast of the intersection of 5th Street and Texas Street. A skilled nursing facility and assisted living center is 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 east side of 5th Street southeast of the intersection with Texas Street. A healthcare facility and assisted living center complex is located on the property.

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

The properties to the south, east, northeast and west are one and two story residential structures. The properties to the northwest and southeast are one story medical facilities. The properties to the north are three story apartment buildings.

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any additional fencing or screening. A minimum of 528,862 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 984,855 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.

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

Staff has identified a number of site issues that must be addressed prior to issuance of a building permit. Redline comments have been returned to the applicant. Revised plans addressing the redline comments must be submitted for review and approval prior to issuance of a building permit. The height of the proposed retaining wall is unclear. The applicant must submit final engineering plans for any retaining walls over four feet in height. The applicant did submit an Erosion and Sediment Control Plan with the application. However, the plan was not signed. Prior to issuance of a building permit, a signed Erosion and Sediment Control Plan must be submitted for review and approval.

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 to the site is provided off Texas Street to the north and off Wisconsin Avenue to the south. There is curbside sidewalk along 5th Street providing pedestrian access to the property. There is no sidewalk along Texas Street, the cul-de-sac bulb of Centennial Street located southeast of the property or along Wisconsin Avenue to the south. On the interior of the site, a network of paths interconnect the facilities. All property with existing development that does not have sidewalk installed is considered nonconforming and will be allowed to continue to not provide sidewalk until a building permit is granted to enlarge the structure by 20% or more. Because the proposed addition is less than a 20% increase in building area, sidewalk is not required to be installed as per Chapter 12.08.060(A)5 of the Rapid City Municipal Code. A Waiver of Right to Protest for the installation of sidewalk as per Chapter 12.08.060 of the Rapid City Municipal Code is required prior to issuance of a building permit for an increase in area that is less than 20%. In order to provide improved pedestrian access, staff encourages the applicant to install sidewalk along Centennial Street and Texas Street. In addition, an internal sidewalk connection to Wisconsin Avenue would improve pedestrian access through the site. Please note, sidewalks are not required to be installed at this time pursuant to the Rapid City Municipal Code.

The applicant submitted a parking plan that does not show the individual parking spaces provided. A minimum of 191 parking spaces must be provided. In addition, six of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The site plan submitted with the application indicates that a total of 192 parking spaces and 70 garage stalls are being provided. In addition, 22 of the parking spaces are handicap accessible with one parking space "van" accessible. Three "van accessible" parking spaces are required when a total of 22 handicap spaces are provided. One in eight handicap spaces must be "van" accessible. Three "van"

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

accessible parking spaces are required as per Chapter 17.50.270 of the Rapid City Municipal Code. Prior to issuance of a building permit, the applicant must submit a revised parking plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

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

The proposed 11 apartments will generate approximately 39 trips per weekday and approximately two trips per weekday peak hour. In addition, the proposed apartments will generate approximately four trips per Saturday peak hour and seven trips per Sunday peak hour.

7. Proposed signs and lighting:

The applicant is not proposing any additional signage. All signage must continually 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. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal 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 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 is not proposing any additional outdoor lighting. All outdoor lighting must continue to be 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. The proposed water service line layout is located on private property and requires that an access easement be dedicated to allow the City to access the curb stop. As such, prior to issuance of a building permit, the applicant must enter into an access agreement with the City for the curb stop located on private property as per Section 3, Figure 3-7A of the Infrastructure Design Criteria Manual.

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. A Conditional Use Permit was approved to allow a healthcare facility on the above legally described property. The Major Amendment to a Conditional Use Permit will allow the property to be used as a healthcare facility and assisted living center. Any change in use that is a permitted use in the Medium Density Residential District will require the

STAFF REPORT
May 24, 2012

No. 12UR012 - Major Amendment to a Conditional Use Permit

ITEM 2

review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District will require the review and approval of a Major Amendment to the Conditional Use Permit. All provisions of the Medium Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment.

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

On May 15, 2012, a Variance to the minimum required front yard setback was approved for the proposed building addition. The southeast corner of the proposed apartments encroaches into the front yard setback from Centennial Street. The Variance reduced the minimum front yard setback from 25 feet to 17 feet. The proposed three story building addition and six garages are in compliance with Chapter 17.12.050 of the Rapid City Municipal Code.

The proposed three story addition will be a wood structure with fiber cement siding and asphalt shingles to match the existing structure. In addition the proposed garages will be constructed to match the existing garages. The proposed structures must conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Conditional Use Permit. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette will be allowed as a Minimal Amendment to the Conditional Use Permit.

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:

Currently, an Air Quality Construction Permit has been approved for a previous project located on the above legally described property. The existing Air Quality Construction Permit must be modified to increase the area of disturbance and additional fees must be paid.

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 the proposed apartments and garages are in compliance with the Zoning Ordinance, Building 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 not been posted on the property. Staff will notify the Planning Commission at the May 24, 2012 Planning Commission meeting if these requirements have not been met.