

STAFF REPORT  
October 4, 2012

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**No. 12OA008 - An Ordinance to amend Section 17.20.020 of Rapid City Municipal Code allowing dental clinics and medical clinics as permitted uses in the Neighborhood Commercial District**

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**ITEM 6**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
REQUEST	<b>No. 12OA008 - An Ordinance to amend Section 17.20.020 of Rapid City Municipal Code allowing dental clinics and medical clinics as permitted uses in the Neighborhood Commercial District</b>
DATE OF APPLICATION	September 7, 2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Ordinance to amend Section 17.20.020 of Rapid City Municipal Code allowing dental clinics and medical clinics as permitted uses in the Neighborhood Commercial District be approved.

GENERAL COMMENTS: At the September 6, 2012 Planning Commission meeting, the Planning Commission directed staff to examine the feasibility and appropriateness of including dental and medical facilities as permitted uses in the Neighborhood Commercial District. Rapid City Municipal Code Chapter 17.20.020 of the Rapid City Municipal Code lists the permitted and conditional uses currently approved for the Neighborhood Commercial District. The Conditional Uses in the Neighborhood Commercial District do not currently include the use of dental or medical facilities. The request from Planning commission directed staff to determine if dental and medical clinics were an appropriate use for the Neighborhood Commercial District and, if so, to determine what steps would be required to allow dental and medical clinics as an approved use within the Neighborhood Commercial District. Staff review determined that dental and medical clinics are an appropriate use in the Neighborhood Commercial District but current City Ordinance did not include clinics as a permitted or conditional use. As such, staff has brought forward this Ordinance Amendment to allow dental and medical clinics as a permitted use in the Neighborhood Commercial District.

STAFF REVIEW: Staff has reviewed the Ordinance Amendment to allow dental and medical clinics as a permitted use in the Neighborhood Commercial District and has noted the following considerations:

Rapid City Municipal Code Chapter 17.20.020: Chapter 12.20 indentifies the uses and conditional uses allowed in the Neighborhood Commercial District. Dental and medical clinics are not listed as a permitted or conditional use within the Neighborhood Commercial District. Rapid City Municipal Code Chapter 17.20.020.12 states that professional and business offices are considered a permitted use in the Neighborhood Commercial District, however, dental and medical clinics are defined as medical facilities in the Rapid City Municipal Code and do not meet the definitions of professional offices. As such, dental and medical facilities are not currently permitted or conditional uses in the Neighborhood

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Commercial District according to the Rapid City Municipal Code.

The Office Commercial District is considered a lighter intensity of use than the General Commercial District. Rapid City Municipal Code 17.40.020.D states that medical facilities, including dental or medical clinics, are considered a permitted use in the Office Commercial District. At this time, dental and medical clinics are permitted in a district with lighter commercial uses than a Neighborhood Commercial District.

Staff has reviewed the use of dental and medical facilities and has determined that the services provided by a dental or medical clinic will serve a local area. The Neighborhood Commercial District is intended to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area. It appears that dental and medical clinics meet the intent of the Neighborhood Commercial District. Rezoning a property in a Neighborhood Commercial District to a zoning district with a higher intensity of use, such as General Commercial District, may open a property up for development of uses that are not appropriate for a residential neighborhood. However, rezoning property to a lower intensity of use, such as Office Commercial District, may limit the development on a property and eliminate neighborhood commercial services. Dental and medical clinics appear to be appropriate as a permitted use in the Neighborhood Commercial District. The City Attorney's Office has reviewed this issue and concurs that dental and medical clinics should be a permitted use in the Neighborhood Commercial District because the use meets the intent of the Neighborhood Commercial District and because the use is approved in commercial zoning districts with a lighter intensity of use. In addition, including medical clinics as a permitted use in the Neighborhood Commercial District will protect existing neighborhoods from the higher intensity commercial uses permitted within a General Commercial District. As such, staff recommends that Section 17.20.020 of the Rapid City Municipal Code be amended to include dental and medical clinics as a permitted use in the Neighborhood Commercial District.