

STAFF REPORT
February 21, 2013

No. 13UR002 - Major Amendment to a Conditional Use Permit to Allow a Professional Office **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Debra D. Watson - Watson Law Office, P.C.
PROPERTY OWNER	Whillock Commercial Property
REQUEST	No. 13UR002 - Major Amendment to a Conditional Use Permit to Allow a Professional Office
EXISTING LEGAL DESCRIPTION	The North 100 feet of Lots 14 through 16 and the Easement from Alley 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 0.17 acres
LOCATION	804 West Boulevard
EXISTING ZONING	High Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	High Density Residential District
South:	High Density Residential District
East:	High Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	January 24, 2013
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to Allow a Professional Office be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction. In addition, Historic Preservation Commission approval shall be obtained prior to any construction;
2. A Certificate of Occupancy shall be obtained for the change in use to a professional office;
3. A minimum of four parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." The approved Administrative Zoning Exception to Chapter 17.50.270 shall continue to be in effect. In particular, the Administrative Zoning Exception reduces the parking requirement from five parking

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- spaces to four parking spaces and allows backing into the right-of-way;
4. All applicable provisions of the adopted International Fire Code shall continually be met;
 5. 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;
 6. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a 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 the Sign 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. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit; and,
 7. The Major Amendment to a Conditional Use Permit shall allow a professional office with one employee. The hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High 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 allow a professional office. The applicant is proposing to convert the existing dental office into a family law office. The applicant has stated that there will be one employee, a legal secretary. All clients will be by appointment. In addition, the hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m.

On June 7, 1971, the City Council approved a Conditional Use Permit to allow a dental office (File #UR4) on the above legally described property.

On May 22, 2012, the Community Planning and Development Services Director approved a Zoning Exception (File #12ZE001) to revise the approved parking plan.

On February 5, 2013, the Community Planned and Development Services Director approved a Zoning Exception (File #13ZE001) to allow a 20% reduction in the minimum required parking from five parking spaces to four parking spaces.

The property is located in the southeast corner of the intersection of Quincy Street and West Boulevard. Currently, a one story residential structure, that has been used as a dental office in the past, 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:

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

The property is located in the southeast corner of the intersection of Quincy Street and West Boulevard. Currently, a one story residential structure, that has been used as a dental office in the past, is located on the property.

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

The properties located to the north, south and west are one and two story residential structures. The property located to the east is a parking lot.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing, screening or additional landscaping.

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:*

West Boulevard provides vehicular access to the property. Property line sidewalk along West Boulevard to the west and Quincy Street to the north provides pedestrian access. On February 5, 2013, the Community Planning and Development Services Director approved a Zoning Exception to reduce the required parking from five spaces to four spaces and to allow vehicles to back into the right-of-way. The applicant has submitted a site plan identifying four parking spaces with one being "van accessible". The parking plan is in compliance with the approved Administrative Zoning Exception. Staff recommends that a minimum of four parking spaces be provided. In addition, one of the parking spaces must be handicap "van accessible." The approved Administrative Zoning Exception will continue to be in effect.

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

The proposed change in use from a dental office to a professional office will reduce the average daily trips generated per day from 53 to 17.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package identifying the existing sign located on the property. The applicant is proposing to re-face the existing sign to reflect the change in use to a law office. The property is located in the West Boulevard Historic District. All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services

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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 the Sign 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 approval of the Historic Sign Review Committee must be obtained prior to obtaining the Sign Permit.

The applicant is not proposing any additional outdoor lighting. All outdoor lighting must 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. It appears that the property is served by a non-conforming sewer service that crosses the adjacent property to the south. The applicant should be aware that should the sewer service fail, the new service will be required to comply with the current standards for location and installation.

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 professional office is a conditional use in the High Density Residential District. The Major Amendment to a Conditional Use Permit will allow a professional office with one employee. The hours of operation will be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. 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. Any change in use that is a Conditional Use in the High Density Residential District 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:

The existing development on the property is legal non-conforming as to setbacks. The applicant should be aware that Chapter 17.52 of the Rapid City Municipal Code regulates non-conforming buildings and uses. In order to bring the property into compliance as to setbacks, the applicant will have to obtain a Variance to the Zoning Ordinance.

The applicant is not proposing any structural changes to the existing building. The applicant should be aware that any future structural changes will require a building permit prior to any construction. In addition, Historic Preservation Commission approval must be obtained prior to any construction. A Certificate of Occupancy must be obtained for the change in use to a professional office.

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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:

It does not appear that the proposed change in use from a dental office to a professional office will have a negative effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

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 are included to serve as a tool to mitigate probable adverse impacts of the proposed use on existing adjacent uses. In addition, the stipulations of approval will ensure compliance with the Zoning Ordinance and the 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 February 21, 2013 Planning Commission meeting if these requirements have not been met.