

STAFF REPORT

April 4, 2013

No. 13PD006 - Major Amendment to a Planned Unit Development to Allow a Small Animal Hospital

ITEM 10

GENERAL INFORMATION:

APPLICANT	Mary E Buhman - Rockin' Heart, LLC
AGENT	Geiger Architecture
PROPERTY OWNER	Thomas J and Carol Cleary
REQUEST	No. 13PD006 - Major Amendment to a Planned Unit Development to Allow a Small Animal Hospital
EXISTING LEGAL DESCRIPTION	Lot A less Lot H1 of Cleary Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.17 acres
LOCATION	At the southwest corner of the intersection of Catron Boulevard and Wellington Drive
EXISTING ZONING	Low Density Residential District (Planned Unit Development)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Unit Development)
South:	Low Density Residential District (Planned Unit Development)
East:	Low Density Residential District (Planned Unit Development)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	February 22, 2013
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Unit Development to allow a small animal hospital be approved with the following stipulations:

1. **An Exception is hereby granted to allow a 15 foot high by 17 foot 6 inch wide dual**

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pole sign with 56 square feet of sign space, a wall sign measuring 60 square feet on the west side of the building and a wall sign measuring 20 square feet on the south side of the building. No electronic reader board signs are being permitted as a part of this approval. 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. 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 Planned Unit Development. 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 the proposed signs;

2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Upon submittal of a building permit, plans shall be submitted showing the location of sanitary sewer and water services to the building;
4. Upon submittal of a building permit, a revised parking plan shall be submitted showing the "van accessible" aisle on the right side of the "van accessible" parking space. In addition, a minimum of 17 parking spaces shall be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
5. Upon submittal of a building permit, construction plans shall be submitted showing the re-establishment of curb and gutter along the westernmost access approach;
6. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
7. Prior to issuance of a building permit, the applicant shall execute and record a Waiver of Right to Protest for the future installation of property line sidewalk along Catron Boulevard and Wellington Drive as per Chapter 12.08.060 of the Rapid City Municipal Code. In addition, a copy of the recorded document shall be submitted with the building permit application;
8. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
9. The disposal of animal waste shall comply with the applicant's operations plan;
10. The outdoor dog walk area for hospitalized animals shall be fenced with a 6 foot high screening fence as proposed by the applicant;
11. The area of the structure used for animals shall be sound proofed and air conditioned;
12. A minimum of 90,198 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
13. 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;
14. All applicable provisions of the adopted International Fire Code shall continually be met; and,
15. The Major Amendment to the Planned Unit Development shall allow for a small animal hospital operated in compliance with the applicant's operational plan. No outdoor kenneling shall be allowed. In addition, no cremation shall be allowed. Any change in

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use shall require the review and approval of a Major Amendment to the Planned Unit Development.

GENERAL COMMENTS:

(Update April 18, 2012. All revised and/or added text is shown in bold.) This item was continued at the March 21, 2013 Planning Commission meeting to allow the Planning Commission to review the proposed sign package. The Sign Code moved from Chapter 15 to Chapter 17 of the Rapid City Municipal Code as of March 22, 2013. As such, the Planning Commission may now grant Exceptions to the Sign Code as part of a Planned Development application.

The applicant has submitted a Major Amendment to a Planned Unit Development to allow a small animal hospital. In particular, the applicant is proposing to renovate an existing commercial structure to provide veterinary care. The applicant has indicated that a fenced area will contain a storage shed, a dumpster enclosure and a walk area for hospitalized animals. The applicant has stated that the clinic will initially employ four full-time staff and two part-time staff. The hours of operation will be Monday through Friday from 7:30 a.m. to 5:30 p.m. In addition, the applicant has stated that there may be occasional Saturday hours from 8:00 a.m. to 1:00 p.m.

On June 2, 1998, the Pennington County Board of Commissioners approved a Conditional Use Permit to allow an equestrian center with accessory use(s) on the subject property. The accessory uses were limited to a caretaker's residence, storage buildings and an office building to be used as a sales office for the equestrian facility. In addition, the applicant obtained County Building Permits for an indoor arena, two storage buildings and a single family residence. Construction was initiated under the County permits and the property was subsequently annexed into the City of Rapid City.

On August 21, 2003, the Planning Commission approved a Final Planned Unit Development (File #02PD059) to allow an equestrian center, a caretaker's residence and an office building on the above legally described property. The equestrian center has since closed. The applicant is proposing to change the permitted use of the office building to a small animal hospital.

The property is located east of the intersection of Wellington Drive and Catron Boulevard. Currently, a one story commercial structure is located on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to a Planned Unit Development and has noted the following considerations:

Use: Previous to annexation in 1998, the County had approved an office building, accessory to an equestrian center, on Lot A. Drain Masters, a septic system installation and maintenance company, and Cleary Offices, a business office, were located within the office building. Neither use was accessory to the equestrian center as previously required. Staff received several complaints regarding the type and number of vehicles that were parked on the property as a part of the Drain Masters business. In addition, the Drain Masters use was

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never permitted by the City at this location and actually was not permitted in this Zoning District. The City Attorney's Office worked with the land owner to insure that the illegal use was removed.

Subsequently, in 2003, the equestrian center, which was constructed for the use of the adjacent residential neighborhood, was removed. A Major Amendment was approved to allow single-family residences on the land previously occupied by the equestrian center. In addition, the Major Amendment approved professional and business offices to be located in the remaining commercial structure on the above legally described property. The applicant has submitted a Major Amendment to change the use of the commercial building from professional and business offices to a small animal hospital.

Based on the history of the site, staff reviewed the proposed small animal hospital use to determine the compatibility of the use with the adjacent residential neighborhood. The Rapid City Municipal Code requires that veterinary clinics operate within a soundproofed and air conditioned building. The applicant has stated that the areas of the building where animals are kept will be soundproofed and air conditioned. In addition, the applicant has stated that there will be no outdoor kenneling and no cremation. The applicant has also stated that animal waste will be stored indoors until it can be disposed of appropriately. The applicant's operations plan complies with the requirements of the Zoning Ordinance. The Institute of Transportation Engineers Trip Generation Manual, 9th Edition, identifies that the proposed small animal hospital will generate approximately 19 trips per peak hour. The proposed use will provide a service to the adjacent neighborhood and will have a minimal traffic impact. The applicant's proposed small animal hospital is an appropriate use within the Planned Unit Development based on these reasons. As such, staff recommends approval of the Major Amendment with the stipulations as outlined above. Please note that no outdoor kenneling will be allowed. In addition, no cremation will be allowed. Any change in use will require the review and approval of a Major Amendment to the Planned Unit Development.

Structure: This Major Amendment to the Planned Unit Development is to allow a small animal hospital to be located on the property. The property is zoned Low Density Residential District with an approved Planned Unit Development. The applicant has indicated that the existing structure will be renovated, altering the exterior appearance. The applicant is proposing to construct a vestibule with timber trusses and columns over the entrance, remove the garage doors on the east side of the building and to replace the brick veneer with rock, creating a more "lodge-like" appearance. Staff recommends that the existing structure be renovated as proposed.

Nuisances: The applicant has stated that a design consultant has been contacted regarding the soundproofing of areas within the building where animals will be kept. The interior renovation of the building will include: a reception area, small retail area, exam rooms, laboratory, pharmacy, radiology area, surgery room, a treatment area and cages and runs for hospitalized animals. The Rapid City Municipal Code requires that veterinary establishments be located in sound proofed and air conditioned buildings. As such, the area of the structure used for animals must be sound proofed and air conditioned.

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The applicant has stated that odor control and animal waste will be addressed by storing animal waste indoors until it is properly disposed of in compliance with city landfill regulations. As such, staff recommends that the disposal of animal waste must comply with the applicants operations plan. In addition, the applicant has stated that the numerous dumpsters currently located on the property will be removed and a single dumpster enclosure will be constructed on the east side of the structure.

Signage and Lighting: **The property is zoned Low Density Residential District. Chapter 17.50.080(S)5 of the Rapid City Municipal Code states that wall signs and ground signs for a commercial use in a residential district may be a maximum of one square foot in size. The applicant has submitted a sign package identifying two exterior-lit wall signs and one exterior-lit pole sign which exceed the allowable square footage of signage in a residential district. There is an existing pole sign located on the property which was approved prior to the property being annexed into the City of Rapid City. The pole is 15 feet in height and has a 3 foot high by 12 foot wide sign face. The applicant is proposing to replace the existing sign with a 15 foot high by 17 foot 6 inch wide dual-pole sign with a total sign face dimension of 4 feet high by 14 feet wide. The proposed dual-pole sign will have a stone veneer base and will resemble the proposed entry vestibule architecturally. The proposed sign is located on the west side of the property along Catron Boulevard. In addition, the proposed dual-pole sign will be located approximately 280 feet from the residential properties located north and east of this site. The existing structure located on the property will provide a buffer between the residential properties and the proposed dual-pole sign.**

The applicant is also proposing to have two wall signs. One sign is located above the entrance to the building on the west side facing Catron Boulevard. The applicant has indicated that the sign will fit within a triangular 60 square foot area. The second sign is located on the south side of the building facing Wellington Drive. The applicant has stated that the second wall sign will fit within a triangular 20 square foot area.

Since the property is located within a Planned Unit Development, the proposed commercial use is allowed. The Sign Code identifies appropriate signage for commercial usage. The proposed signage is in compliance with the Sign Code for commercial uses. In addition, the proposed signage will be more in keeping with the architectural style of the proposed building upgrade. The applicant is proposing to upgrade the aesthetic appeal of the site. For these reasons, staff recommends that an Exception be granted to allow a 15 foot high by 17 foot 6 inch wide dual pole sign with 56 square feet of sign space, a wall sign measuring 60 square feet on the west side of the building and a wall sign measuring 20 square feet on the south side of the building. No electronic reader board signs are being permitted as a part of this approval. 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. 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 Planned Unit Development. Lighting for the signs must be designed to preclude shining on the adjacent

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properties and/or street(s). A sign permit must also be obtained for the proposed signs.

Landscaping and Screening: The applicant has stated that a landscape buffer to adjacent residential properties will be re-established on the east property line. In addition, the applicant is proposing to double the required landscaping points in order to provide additional screening and to improve the aesthetics of the site. The Rapid City Municipal Code requires that a minimum of 90,198 landscaping points be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 188,140 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

The applicant is proposing to fence in an area on the east side of the existing structure to enclose a storage shed, a dumpster enclosure and a dog walk for hospitalized animals. The animals will be walked on leashes by staff members. No outdoor kenneling of animals will be allowed. The proposed fence will be constructed of wood posts and stone veneer columns and will be 6 feet in height. The applicant should be aware that a building permit will be required should the fence exceed 6 feet in height. In addition to the screening/privacy fence, the applicant is proposing to include a landscaping buffer around the outdoor fenced area.

Parking: A minimum of 17 parking spaces must be provided. One of the parking spaces must be handicap "van accessible". The applicant has submitted a parking plan showing a total of 20 parking spaces. However, the handicap "van accessible" parking aisle is located on the wrong side of the "van accessible" parking space. As such, upon submittal of a building permit, a revised parking plan must be submitted showing the "van accessible" aisle on the right side of the "van accessible" parking space. All provisions of the Off-Street Parking Ordinance must be continually met.

Engineering: Upon submittal of a building permit, plans must be submitted showing the location of sanitary sewer and water services to the building. The applicant should be aware that a right-of-way permit may be needed for any work within the street right-of-way. The applicant will need to obtain a building permit for the proposed storage shed. In addition, the proposed improvements do not trigger the requirement to install sidewalks along Catron Boulevard and Wellington Drive. However, prior to issuance of a building permit, the applicant must execute and record a Waiver of Right to Protest for the future installation of property line sidewalk along Catron Boulevard and Wellington Drive as per Chapter 12.08.060 of the Rapid City Municipal Code. A copy of the recorded document must be submitted with the building permit application.

Access Approaches: The applicant's site plan identifies one access approach that aligns with Edinborough Drive. It appears that the approach located to the west of the proposed approach will no longer be utilized. As such, upon submittal of a building permit, construction plans must be submitted showing the re-establishment of curb and gutter along the westernmost approach.

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Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Notification Requirement: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the March 21, 2013 Planning Commission meeting if these requirements have not been met.