

STAFF REPORT
January 23, 2014

No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Gene Fennell
PROPERTY OWNER	Linda K Fennell
REQUEST	No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use
EXISTING LEGAL DESCRIPTION	The west 40 feet of Lots 1 thru 4 of Block 4 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.09 acres
LOCATION	1113 St. Joseph Street
EXISTING ZONING	Office Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Park Forest District
South:	Medium Density Residential District (Planned Development)
East:	Office Commercial District (Planned Development Designation)
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 30, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiet

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a professional office and a residential use be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to 16.1 feet;
2. An Exception is hereby granted to reduce the minimum required side yard setback on the west side of the structure from 12 feet to 8.7 feet and on the east side of the structure from 12 feet to 6.5 feet;

STAFF REPORT
January 23, 2014

No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use **ITEM 6**

3. An Exception is hereby granted to reduce the minimum required side yard setback for a detached garage from eight feet to 7.3 feet from the west property line;
4. An Exception is hereby granted to reduce the minimum required parking from eight parking spaces to two parking spaces;
5. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The approval of the Historic Preservation Commission shall be obtained prior to obtaining a Building Permit;
7. A minimum of 2,705 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;
8. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
9. 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;
10. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development. 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 Planned Development. All signage not in conformance with the Sign Code shall require a Major Amendment to the Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;
11. Prior to putting the fire sprinkler system into service, the applicant shall coordinate with the Rapid City Fire Department to review any actions to ensure the system is not subject to freezing. All applicable provisions of the adopted International Fire Code shall continually be met; and,
12. The Final Planned Development shall allow for a professional office and a residential use for the applicant. A maximum of two employees and an intern shall be employed at any one time. The living space shall not be for rent. Any expansion to the office use or to the number of employees shall require a Major Amendment to the Planned Development. In addition, a new proprietor or new business shall require the review and approval of a Major Amendment. Any change in use that is a permitted use in the Office Commercial District in compliance with the minimum requirements of the Zoning Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses or uses that do not comply with the minimum requirements of the Zoning Ordinance shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a professional office and a residential use. In particular, the applicant is proposing to convert an existing

STAFF REPORT
January 23, 2014

No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use **ITEM 6**

residential dwelling into office space for the applicants' architectural firm while maintaining living quarters. The applicant has indicated that the living quarters will not be used as a rental unit. In addition, the applicant is requesting to reduce the minimum parking requirement from eight parking spaces to two parking spaces.

On September 27, 2006, a Planned Development Designation (File #06PD074) was approved which included the above legally described property.

On October 16, 2006, the City Council approved a Rezoning request (File #06RZ034) to change the land use designation from High Density Residential District to Office Commercial District.

The property is located on the south side of Saint Joseph Street between 11th Street and 12th Street. Currently, a two-story residential dwelling and a detached garage are located on the property.

STAFF REVIEW:

Staff has reviewed the Initial Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The minimum lot size for a single-family dwelling is 6,500 square feet. The applicant is proposing to convert a residential dwelling into an office with a residential use on a lot approximately 4,000 square feet in size located on the south side of Saint Joseph Street between 11th Street and 12th Street. There is an existing two-story residential structure located on the property.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The property was rezoned to Office Commercial District with a Planned Development Designation. The proposed change in use from residential to professional office requires that a Final Planned Development Overlay be obtained. The small size of the property and the existing structure limit the ability for any commercial parking being provided. The applicant is requesting Exceptions to reduce the minimum required setbacks for the existing structure and to reduce the minimum required parking.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The existing primary structure and detached garage located on the property are legal non-conforming as to front and side yard setbacks. The applicant is not proposing to expand the structures. In addition, the property is located in the West Boulevard Historic District and the primary structure is identified as a contributing building. For these reasons, staff recommends that the Exceptions to reduce the front yard setback and the

STAFF REPORT
January 23, 2014

No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use **ITEM 6**

side yard setbacks be granted.

The applicant should be aware that prior to any construction, a Building Permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Prior to issuance of a Building Permit, the approval of the Historic Preservation Commission must be obtained.

The proposed change in use increases the minimum required parking from two parking spaces to eight parking spaces. The applicant has submitted a site plan that shows a one stall garage and a second parking space on the south side of the property that backs into the alley. The existing parking is adequate for residential uses; however, the parking spaces do not meet the requirements for commercial parking spaces. As such, the applicant is requesting to reduce the minimum required parking from eight parking spaces to two parking spaces.

The applicant has stated that the proposed office will have two employees with an occasional intern. Due to the nature of the business, meetings are by appointment and there are few drop-in clients. The applicant has also indicated that a living space will be maintained within the structure for the use of the applicant. As such, the required two parking spaces for the residential use can be met. Based on the nature of the applicants business and the availability of two parking spaces on the property for the residential use, staff recommends that the Exception to waive the minimum parking requirement from eight parking spaces to two parking spaces be granted.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The applicant is requesting Exceptions to reduce the setbacks for the existing structure located on the property. The applicant is not proposing to expand the structures. In addition, the primary structure is identified as a contributing building in the West Boulevard Historic District. For these reasons, staff recommends that the Exceptions be granted.

The applicant has also requested an Exception to reduce the minimum required parking from eight parking spaces to two parking spaces. As discussed above, staff supports the request specific to the applicant and the proposed operations plan as submitted by the applicant. Any expansion to the proposed use or a new business or proprietor will require the review and approval of a Major Amendment.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

STAFF REPORT
January 23, 2014

No. 13PD058 - Final Planned Development Overlay to allow a professional office and a residential use **ITEM 6**

The applicant is requesting setback Exceptions to bring a historic building into compliance with the Zoning Ordinance. In addition, the applicant is proposing a use that increases the minimum parking requirement from two parking spaces to eight parking spaces. Staff recommends that the Final Planned Development be approved specific to the applicant and the operation plan as submitted by the applicant. Any change in use, expansion in use or a new business or proprietor will require a Major Amendment to the Planned Development.

Fire Department: The proposed use requires that the structure be fire sprinkler protected. The applicant has already installed a fire sprinkler system. The Rapid City Fire Department has stated that the installation occurred without adequate review time or proper permitting. The applicant should be aware that the fire sprinkler system cannot be placed into service until proper actions are taken to ensure that the system is not subject to freezing. As such, the applicant must coordinate with the Rapid City Fire Department to review any actions taken to bring the fire sprinkler system into service. All applicable provisions of the adopted International Fire Code must continually be met.

Landscaping and Screening: A minimum of 2,705 landscaping points must be provided for the existing structure. The applicant has submitted a landscaping plan that shows a total of 12,222 landscaping points currently located on the property. 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.

Chapter 17.40.070 of the Rapid City Municipal Code requires that a five foot high screening fence be provided when the property abuts the rear yard of a residential district. The property to the south is zoned Medium Density Residential District. There is an existing fence and garage located on the property line. In addition, the existing detached garage and fencing on the applicant's property will ensure that appropriate screening is provided.

Signage and Lighting: The applicant has submitted a sign package that identifies the location and size of a proposed ground sign. The proposed sign area will be two feet high by four feet wide. The proposed sign is in compliance with the Sign Code.

The applicant has indicated that no additional outdoor lighting is being installed. 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.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the January 23, 2014 Planning Commission meeting if this requirement has been met.