

STAFF REPORT
Mach 6, 2014

No. 14PD003 - Major Amendment to the Planned Development to allow a caretakers unit **ITEM 12**

GENERAL INFORMATION:

APPLICANT	Sandra McNeely
AGENT	Gene Fennell - Fennell Design, Inc.
PROPERTY OWNER	Sandra McNeely
REQUEST	No. 14PD003 - Major Amendment to the Planned Development to allow a caretakers unit
EXISTING LEGAL DESCRIPTION	Lot 1 thru 5 of Block 88 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.402 acres
LOCATION	201 Main Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 6, 2014
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to the Planned Development to allow a caretakers unit be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required parking from 130 parking spaces to zero parking spaces provided that the caretakers unit is only used by the owners of the property and is not for rent. Future expansion to the structure or changes to the uses in the building which increase the required amount of parking shall require a Major Amendment to the Planned Development;
2. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;

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3. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;
4. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
5. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Board. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Future changes to the sign package shall require the review and approval of the Historic Sign Board. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. A sign permit shall be required for any signs;
6. All applicable provisions of the International Fire Code shall be maintained; and,
7. This Major Amendment to the Planned Development shall allow for a caretakers unit only to be used by the owners of the property and not for rent. The previously approved church and brewery/on-sale uses shall remain. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has requested a Major Amendment to the Planned Development to allow a caretakers unit. In particular, the applicant is proposing to convert 735 square feet of the owners suite into a caretakers unit. In addition, the proposed residential unit requires two additional parking spaces. Previously, an Exception was granted to reduce the minimum required parking from 128 parking spaces to zero parking spaces. The applicant is requesting a further reduction in parking from 130 parking spaces to zero parking spaces.

In 2009, the Planning Commission approved a Planned Development (File #09PD047) to allow an on-sale liquor establishment known as "The Beanery" to be located on the lower level of the structure. The restaurant use on the property has since ceased.

On May 9, 2013 the Planning Commission approved a Major Amendment to the Planned Development (File #13PD011) to allow a church to be located in the lower level of the structure. A church is generally a permitted use in the General Commercial District, but due to the stipulations of approval of the original Planned Development, any new uses on the property required the review and approval of a Major Amendment to the Planned Development.

On July 25, 2013, the Planning Commission approved a Major Amendment to the Planned Development (File #13PD023) to allow a microbrewery with on-sale alcohol service to be located within one of the suites of the historic Creamery building.

The property is located on the southwest corner of the intersection of Main Street and 2nd Street and is the location of the historic "Creamery" building.

STAFF REVIEW:

Staff has reviewed the request for a Major Amendment to the Planned Development

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pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code 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 property is comprised of approximately 17,500 square feet of land zoned General Commercial District. The structure has been placed on the National Register of Historic Places as an individually nominated property. The surrounding properties are zoned General Commercial District and are located in a central, fully developed area of the City. The applicant should be aware that future changes to the structure which require a building permit must be approved through an 11.1 Historic Review.

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

The structure was constructed in 1929, prior to adoption of the Rapid City Landscaping Ordinance. The existing development does not appear to be in compliance with the Landscaping Ordinance and a landscaping plan was not submitted for the property. The property is considered legally non-complying with regard to landscaping and no expansion or enlargement of the structure is being proposed. As such, the property remains legally non-complying with regards to landscaping and a landscaping plan is not required for review. Main Street is classified as a Major Arterial street on the City's Major Street Plan, meant to accommodate high volumes of commercial traffic.

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:*

Submitted plans show that a total of 13 parking spaces are located on the property. However, none of the identified spaces meet the requirements of the Rapid City Parking Ordinance and may not be considered as off-street parking spaces. The proposed caretakers unit will increase the minimum required parking from 128 parking spaces to 130 parking spaces. However, the proposed caretakers unit is for the owners of the building and the applicant has stated that the unit will only be used by the owners of the building. Since the caretakers unit will not create any additional parking demand, staff recommends that the Exception to reduce the minimum required parking from 130 parking spaces to zero parking spaces be granted provided that the caretakers unit is only used by the owners of the property and is not for rent. Future expansion to the structure or changes to the uses in the building which increase the required amount of parking will require a Major Amendment to the Planned Development.

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

The General Commercial District is intended to provide a zoning designation for personal and business services and the general retail business of the city. Chapter 17.18.020 of the Rapid City Municipal Code identifies dwelling units located above the

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ground floor as a permitted use in the General Commercial District. The proposed use increases the minimum required parking and as such, the applicant has submitted a Major Amendment to the Planned Development to request an Exception to reduce the minimum required parking from 130 parking spaces to 0 parking spaces.

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

The property at 201 Main Street is listed on the National Register of Historic Places. Any future changes to the structure which require a building permit must be reviewed through an 11.1 Historic Review. All signage will require the review and approval of the Historic Sign Board. All signage must comply with the the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for any signs.

Submitted plans show that the structure is legally non-complying with regard to setbacks, landscaping, and parking. No expansions or changes to the exterior of the structure are being proposed. As such, the legally non-complying setbacks and landscaping may remain. All provisions of the General Commercial District will be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development. Any uses permitted in the General Commercial District will require the review and approval of a Minimal Amendment to the Planned Development. Any conditional uses in the General Commercial District will require a Major Amendment to the Planned Development.

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:*

A caretakers unit is a permitted use in the General Commercial District. Development of the property through the Planned Development will ensure that the property meets the development standards set forth by the Zoning Ordinance and will be consistent with development in the area. The requested reduction in parking will allow the existing historically significant development to remain on the property with the existing and proposed uses. For these reasons, staff recommends that the Major Amendment to the Planned Development be approved with the stipulations outlined above.

Notification Requirements: 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 March 6, 2014 Planning Commission meeting if this requirement has been met.