

STAFF REPORT  
June 19, 2014

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**No. 14UR014 - Conditional Use Permit to allow a pet store in the Central Business District** **ITEM 2**

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GENERAL INFORMATION:

APPLICANT	Barbara Peterson-Paur
AGENT	Patrick Roseland
PROPERTY OWNER	Rapid River Gallery LLC
REQUEST	<b>No. 14UR014 - Conditional Use Permit to allow a pet store in the Central Business District</b>
EXISTING LEGAL DESCRIPTION	Lot 27 - 28 of Block 71 of Original Town of Rapid City, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.16 acres
LOCATION	910 Main Street
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	May 23, 2014
REVIEWED BY	Vicki L. Fisher / Bob Reiss

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a pet store in the Central Business District be approved with the following stipulations:

1. A pet store for the sale of birds shall be allowed on the property. In addition, the kenneling of birds shall be allowed. The pet store shall be operated in compliance with the applicant's operational plan. In addition, permitted uses within the Central Business District shall be allowed. A building permit shall be obtained for any future construction that requires a permit;
2. A Kennel License shall be obtained;
3. Veterinary care shall be provided pursuant to local and State requirements;

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4. The building shall continue to be climate controlled and continue to provide a soundproof design to mitigate noise nuisances;
5. The bird waste shall be disposed of as per the applicant's disposal plan which identifies a safe and sanitary waste disposal operation; and,
6. All provisions of the Central Business District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Conditional Use Permit request to allow a pet store for the sale and kenneling of birds in the Central Business District. Currently, "Mount Rushmore Birds" and "Paws Pet Bakery and Gifts" are located within one of the two suites located on the property. The applicant has indicated that the store operates from 10:00 a.m. to 5:00 p.m. Monday through Saturday. The applicant has also indicated that the existing 1,400 square foot store may be expanded into the adjacent 1,109 square foot vacant suite. As such, this Conditional Use Permit request includes both suites.

The applicant is a certified Avian Specialist and has shared her expertise with students in the National American University Veterinary Tech Program conducting classes covering bird restraint, grooming and other related topics. The applicant also has conducted youth summer educational programs on bird and pet care at the Humane Society of the Black Hills.

The property is located between West Boulevard and 9<sup>th</sup> Street, along the north side of Main Street. Currently, a two story commercial structure is located on the property.

Please note that on May 19, 2014, the City Council approved an Ordinance Amendment to amend Chapter 17.16 of the Rapid City Municipal Code to allow a pet store as a Conditional Use in the Central Business District (File #14OA005).

**STAFF REVIEW:**

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

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

As previously noted, the property is located between West Boulevard and 9<sup>th</sup> Street, along the north side of Main Street. Currently a two story commercial building is located on the property. The property is fairly level with an alley located along the north lot line.

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

All of the surrounding properties are zoned Central Business District and have been developed with commercial structures. The property to the east is the location of "Bully Blends Coffee & Tea Shop". "Knecht Home Center" is located north of the property, on the north side of the alley. Office buildings are constructed on the properties located on the south side of Main Street, including the Federal Building. The property owner for this

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application also owns the property located to the west which currently houses an art gallery.

3. *Proposed fencing, screening and landscaping:*

The proposed use within the Central Business District does not require any fencing, screening and/or landscaping.

4. *Proposed vegetation, topography and natural drainage:*

The Central Business District allows 100% lot coverage for a two story structure. Subsequently, landscaping is not required. Drainage from the property is designed to be accommodated in the storm water improvements located in Main Street.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Off-street parking is not required in the Central Business District. On-street metered parking is located within this area of Main Street. In addition, a pedestrian sidewalk designed with handicap access is located along both sides of Main Street.

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

The Institute of Transportation Engineers Trip Generation Manual states that a pet store, bakery and gift shop of this size could generate approximately 13 trips per peak hour.

7. *Proposed signs and lighting:*

Two wall signs currently exist along the front of the building. The applicant should be aware that any additional signage will require a Sign Permit. In addition, the signage must be in compliance with the City's adopted Sign Code regulations as per Chapter 17.50.080 of the Rapid City Municipal Code.

8. *The availability of public utilities and services.*

The property is currently served by public utilities including Rapid City sewer and water.

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. Chapter 17.16 of the Rapid City Municipal Code has recently been amended to allow a pet store as a Conditional Use in the Central Business District. The above recommended stipulations of approval are intended to ensure that the use of the property is in compliance with the City's adopted Comprehensive Plan.

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*10. The overall density, yard, height and other requirements of the zone in which it is located:*

The existing structure is in compliance with the density, yard, height and other requirements of the Central Business District. No revisions to the exterior of the structure are being proposed as a part of this application.

*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:*

The operation of the pet store should not create any smoke, dust, air or water pollution. The existing building has been designed to provide climate control which should mitigate any odor issues. Main Street right-of-way and an alley are located along the south and north side of the property, respectively, providing separation and buffering any potential noise issues to those adjacent properties. The property to the west is owned by this property owner. The business owner to the east has submitted a letter of support for the proposed pet store. Based on this, it does not appear that the pet store 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 of the Conditional Use Permit will serve as a tool to insure that the proposed pet store is operated in compliance with the Zoning Ordinance and to mitigate any probable adverse impacts of the proposed use on existing adjacent uses.

Staff has also reviewed the proposed use with respect to Chapter 17.16.030(Q) which allows a pet store as a conditional use in the Central Business District and has noted the following:

*1. The pet store shall be located within a soundproof, climate controlled building:*

The existing building has been designed to provide climate control and the construction materials of the building provide a sound barrier.

*2. Veterinary care shall be provided pursuant to local and state requirements:*

Based on the applicant's operational plan, this requirement is being met.

*3. Boarding shall not be allowed unless otherwise approved by the Planning Commission:*

The applicant has indicated that they rescue, rehabilitate and rehome companion birds which require that the birds be kenneled on the property. In addition, they offer a boarding service for people who need to leave their birds while on business, vacation and/or for emergencies. Since birds typically sleep during the night,

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allowing the kenneling of birds with periods of unsupervised care should not create nuisances for the neighboring properties. Based on this reason, staff recommends that the Planning Commission approve the kenneling of birds for the pet store.

4. *A waste disposal plan shall be provided for review and approval:*

The applicant has submitted a waste disposal plan which identifies a safe and sanitary waste disposal operation. In particular, the bird waste will be gathered and disposed of off-site from the business.

5. *A Kennel License shall be obtained:*

A pet store with kenneling/boarding requires that a Kennel License be obtained from the Humane Society of the Black Hills. The Humane Society of the Black Hills cannot issue the Kennel License until the City has approved a Conditional Use Permit for the kennel. As a part of issuing a Kennel License, the Human Society of the Black Hills will conduct an inspection of the store to ensure that good wholesome food and clean water are being provided along with an inspection of the conditions of the shelter. The applicant is aware that upon approval of this Conditional Use Permit request, a Kennel License must be obtained.

Since the proposed use meets the criteria set forth in Chapter 17.54.030(E) and Chapter 17.16.030(Q) of the Rapid City Municipal Code, staff recommends that the Conditional Use Permit to allow a pet store in the Central Business District be approved with the stipulations as identified above.

Notification: The first class mailings have been completed and the sign has been posted on the property. As of this writing, staff has not received any inquiries regarding this Conditional Use Permit application.