

STAFF REPORT

April 9, 2015

No. 15PD004 - Major Amendment to a Planned Development to allow professional offices

ITEM 14

GENERAL INFORMATION:

APPLICANT	Jake Boerger
AGENT	MWT Leasing/MHK Leasing
PROPERTY OWNER	MWT Leasing Coinc and MHK Leasing LLC
REQUEST	No. 15PD004 - Major Amendment to a Planned Development to allow professional offices
EXISTING LEGAL DESCRIPTION	Lot 13 thru 16 and Lot 10 thru 16 of Block 87 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.56 acres
LOCATION	329 Main Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Downtown
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 26, 2015
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

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

1. An Exception to reduce the required amount of parking from 51 spaces to 28 spaces is hereby granted. A minimum of two of the provided parking spaces shall be handicap accessible. One of the handicap accessible spaces shall be van accessible. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
2. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of the use;
3. Prior to issuance of a building permit, a parking agreement shall be secured for the

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- parking located on the lot adjacent to the east. A copy of the recorded parking agreement shall be submitted to Community Planning for review;
4. Prior to issuance of a building permit, approval through an 11.1 Historic Review must be obtained;
 5. All signage shall require approval through the Historic Sign Board. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. The addition of LED signage shall require the review and approval of a Major Amendment to the Planned Development. A sign permit is required for each sign;
 6. All requirements of the International Fire Code shall be continually maintained;
 7. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment, and;
 8. This Major Amendment shall allow for development of the property with professional office space designed as "flexible workplace solutions". All uses permitted in the General Commercial District which do not increase the required amount of off-street parking spaces shall be permitted contingent upon approval of a building permit. All conditional uses or uses which increase the required amount of off-street parking spaces shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: (Update: Due to a lack of quorum at the March 26, 2015 Planning Commission meeting, this item was continued to the April 9, 2015 Planning Commission meeting. All revised and/or updated text is shown in bold.)

The applicant has requested a Major Amendment to the Planned Development to allow professional offices to be located within an existing structure. The proposed professional offices will function as "flexible workspace solutions" which will allow professionals to rent office space and/or amenities within the facility on an as-needed basis. Parking for the offices will be located on the adjacent lot to the east. As a part of the application, the applicant is requesting an Exception to reduce the required amount of parking for the facility. No additions or expansions of the existing structures on the site are being proposed as a part of this Major Amendment. No other Exceptions are being requested as a part of this Major Amendment.

On June 5, 2003, Planning Commission approved an Initial and Final Planned Development to allow a commercial development on the site (File #03PD025).

The property is located at 329 Main Street and is the current location of TMA automotive services and repair shop. The property is individually listed on the National Register of Historic Places.

STAFF REVIEW: Staff has reviewed the request for a Major Amendment to the Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

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There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 0.56 acres of property zoned General Commercial District with a Planned Development. The area is in a well established central area of the City. Submitted plans show that the existing structure on the site has zero foot setbacks to all lot lines and is considered legally non-conforming. No additions or expansions to the existing structure are being proposed as a part of this Major Amendment and, as such, the structures on the property remain legally non-conforming today. Any revisions or changes to the structures to the site will require that the property be brought into compliance with the requirements of the Rapid City Municipal Code. It does not appear that there are any conditions on the property due to its size, shape, or topography which would limit the development of the site.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

As previously noted, an Initial and Final Planned Commercial Development was previously approved to allow a commercial development on the property. Now, the applicant is proposing a new use on the property which will require additional parking be provided. As such, a Major Amendment to the Planned Development must be obtained in order to address the parking. The application of these regulations does not create a practical difficulty or undue hardship on the property.

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;

A minimum of 51 parking spaces are required for the proposed office space. The adjacent lot to the east provides a total of 28 parking spaces. The applicant has requested as reduction in the total amount of off-street parking from 51 to 28 parking spaces, noting that based on previous experience with this type of flexible office space, only 25 to 30 percent of the office space is occupied at a given time. Based on the expected capacity of this site, it is expected that no more than 20-25 people would be at the site at a given time. In addition, the applicant has noted that sufficient on-street parking exists adjacent to the facility to accommodate any additional parking needs. City staff has noted that the property is designated for a Downtown use on the City's adopted Future Land Use Plan. It is anticipated that future development of the area will be as a part of the Rapid City Downtown. The Central Business is adjacent to the west and does not have an off-street parking requirement. Based on the expected future development of the neighborhood and the applicant's anticipated intensity of use for this specific property, it appears that the requested reduction in parking will not have a negative impact on the area. All parking must comply with the requirements of the Rapid City Parking Ordinance.

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 the City with a district for the

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personal and business services and the general retail business of the City. Offices are a permitted use in the General Commercial District. A literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

Historic Preservation: Historic Preservation staff has noted that the property is an individually listed structure on the National Register of Historic Places. Prior to issuance of a building permit, the applicant must obtain approval through an 11.1 Historic Review. A building permit must be obtained prior to any construction on the site. All signage will require the review and approval of the Historic Sign Board.

Parking: A total of 28 parking spaces are being proposed. A minimum of two of the proposed parking spaces must be handicap accessible and one of the handicap spaces must be "van accessible". Two handicap accessible spaces are proposed, with one of the handicap spaces being van accessible. All parking must comply with the requirements of the Rapid City Parking Ordinance.

The required off-street parking is being provided on the lot adjacent to the east. Prior to issuance of a building permit, a parking agreement must be secured for the parking located on the adjacent lot. A copy of the recorded parking agreement must be submitted to Community Planning and Development Services.

Lot Coverage: Submitted plans show 100 percent lot coverage by structures on the site. A maximum 75 percent lot coverage is permitted in the General Commercial District. The property is legally non-complying with regard to lot coverage. No exterior changes are being proposed as a part of this Major Amendment and, as such, the property remains legally non-conforming with regard to lot coverage. The applicant should be aware that if future development of property includes and changes to the existing structure, the property must be brought into compliance with the requirements of the Rapid City Municipal Code.

Landscaping: Due to the 100 percent lot coverage by structures on the property, no landscaping is currently located on the property and the property is considered legally non-conforming with regard to landscaping. The applicant should be aware that if changes to the structures are proposed as a part of future development, landscaping in compliance with the Rapid City Landscaping Ordinance must be provided.

Public Works comments: Public Works staff has noted that a new water tap may be required to accommodate future site development. All future work on the tap, service lines, and site work must be in compliance with the requirements of the Rapid City Infrastructure Design Criteria Manual.

Rapid City Fire Department comments: The Rapid City Fire Department has noted no issues with the proposed development. All requirements of the International Fire Code must be continually maintained.

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The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

The applicant is proposed to redevelop the property with professional office designed as “flexible workspace” for a variety of clients. As a part of this redevelopment, the applicant is requesting that the required amount of parking for the property be reduced from 51 spaces to 28 spaces. The lot coverage and landscaping on the property remain legally non-conforming. The Future Land Use Plan identifies this area as appropriate for downtown development, which does not require parking or landscaping and permits 100 percent lot coverage. Based on the nature of the use and the on-street parking in the vicinity, it appears that the proposed reduction in off-street parking will not have a detrimental effect on the neighborhood. An 11.1 Historic Review is required prior to issuance of any building permits for the site and approval through the Historic Sign Board must be obtained prior to any signage. Based on these reasons, staff recommends that the Major Amendment to the Planned Development be approved with the stipulations noted above.

Notification Requirements: The letters of notification have been returned to Community Planning and Development Services for mailing. The sign has been **posted on the property**. As of this writing, there have been no inquiries into the requested Major Amendment to the Planned Development.