



Rapid City Zoning Board of Adjustment Variance Project Report

July 23, 2015

Applicant Request(s)
Case #15VA002, a Variance request to reduce the required amount of off-street parking
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the request to reduce the required amount of off-street parking be approved with stipulations.

Project Summary Brief

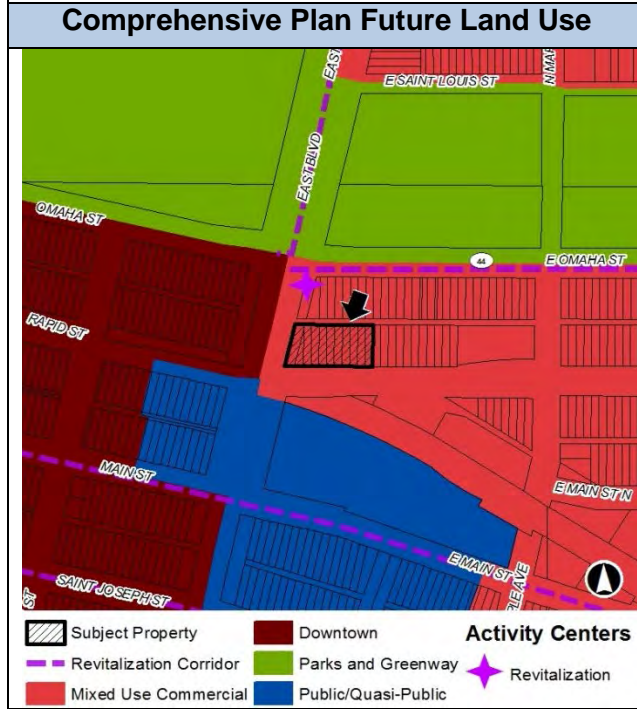
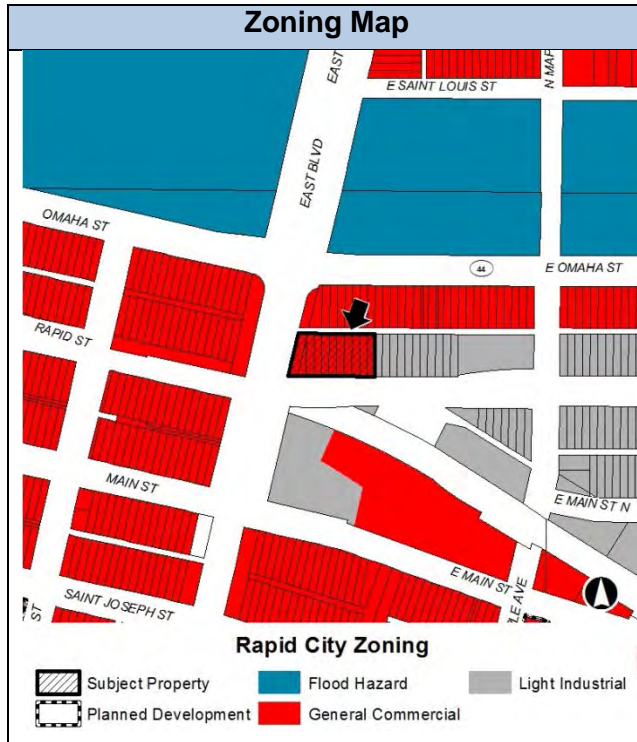
The applicant has submitted a request for a Variance to Chapter 17.50.270.D of the Rapid City Municipal Code to reduce the required number of off-street parking on a property from 75 spaces to 48 spaces. Submitted plans show that approximately 2,000 square feet of the 16,700 square foot building located on the property is currently developed with a casino and that parking requirements are currently being met. However, approximately 14,700 square feet of space is vacant and cannot be utilized due to a lack of legally complying off-street parking. The applicant is proposing to construct additional parking on the site and on railroad right-of-way located adjacent to the south of the building. Based on the existing square footage of the building and the proposed uses, 75 off-street parking spaces are required. The applicant is requesting a reduction to 48 spaces to be provided on the property. As a part of the proposed construction of parking on the property, all proposed parking will be paved and striped and handicap parking is being provided on-site.

Applicant Information	Development Review Team Contacts
Applicant: Scott O'Meara, OM Properties	Planner: Robert Laroco
Property Owner: Scott O'Meara, OM Properties	Engineer: Ted Johnson
Architect: None	Fire District: Tim Behlings
Engineer: Scott O'Meara	School District: N/A
Surveyor: None	Water: Ted Johnson
Other:	Sewer: Ted Johnson

Subject Property Information	
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Address/Location	316 East Boulevard, approximately 200 feet south of the intersection of East Omaha Street and East Boulevard
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Simmons Addition
Land Area	0.86 ac, approximately 37,462 square feet
Existing Buildings	One existing commercial/retail/service structure
Topography	Level
Primary Access	East Boulevard
Water Provider	Rapid City water
Sewer Provider	Rapid City sewer
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	500 Year Federally Designated Floodplain-protected by levee
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GCD	MUC	Commercial/retail/service center
Adjacent North	GCD	MUC, Revitalization corridor	Automobile sales and service
Adjacent South	LI	Public	Vacant
Adjacent East	LI	MUC	Warehousing
Adjacent West	GCD	Downtown	Automobile sales and service



Relevant Case History			
Case/File#	Date	Request	Action
14UR022	1/08/2015	Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a casino	Approved with stipulations

Relevant Zoning District Regulations		
General Commercial District	Required	Proposed
Lot Area	No minimum required	37,462 sq ft
Lot Frontage	No minimum required	Approximately 144 feet
Maximum Building Heights	4 stories/45 ft	1 story < 45 ft
Maximum Density	75% max	44.53%
Minimum Building Setback:		
• Front	25 ft	41 ft
• Rear	25 ft	41 ft
• Side	0 ft	0 ft
• Street Side	N/A	N/A
Minimum Landscape Requirements:		
• # of landscape points	20,762 points	Unknown (remains legally nonconforming)
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	75	48
• # of ADA spaces	2, 1 van accessible	2, 1 van accessible
Signage	Pursuant to RCMC	Pursuant to RCMC
Fencing	None proposed	None proposed

Applicant's Justification	
<p>Pursuant to Chapter 17.54.020.D of the Rapid City Municipal Code, before the Board shall have the authority to grant a variance, <u>the applicant</u> must adequately address the following criteria:</p>	
Criteria:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	The granting of a Variance would enable some type of use for the existing structures. The proposed Variance request does not adversely impact neighborhood properties.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The inability to obtain an easement would result in the loss of use for up to 6,000 square feet of warehousing/shop spaces and 4,000 square feet of retail and office space.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	A Variance would allow for the continued use of the buildings at 316 East Blvd. Along with the substantial investment towards the improvements for the building.
4. By granting the variance substantial justice will be done.	The owner will lease to tenants that do not require high capacity parking requirements and differing peak parking needs and times.

Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment grant the variance for a reduction in the required number of off-street parking spaces, the following criteria, findings, and conditions of approval would be applicable:

	Criteria:	Findings:
1.	The variance is for a use allowed in the zoning district.	The requested Variance is to allow use of the space with offices, retail, services, shops, and/or personal storage. Commercial uses are permitted in the General Commercial District.
2.	The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The application of the Zoning Ordinance has resulted in the bulk of the existing structure being unusable due to the inability to provide sufficient parking on the property for any additional uses.
3.	The variance is the minimum adjustment necessary for the reasonable use of the land.	<p>The applicant has secured an agreement with the railroad to allow parking and circulation for this development to be located on railroad right-of-way adjacent to the property to the south. However, the additional parking could be removed and/or access to the right-of-way could be revoked at any time in the future. As such, the applicant has requested this Variance to ensure that regardless of future access to parking and circulation within the railroad right-of-way, the parking on the property will remain legally complying. It does not appear that other adjacent sites can be utilized by the property owner for parking. The provision of sufficient parking on the property will require demolition of the existing structure and a loss of some beneficial use of the existing site. It appears that the requested Variance is the minimum adjustment necessary for a reasonable use of the land.</p> <p>Submitted plans show that an overhead door is proposed to be located on the southern side of the building, 0 feet from the southern lot line. During review of the requested Variance, Building Services staff noted that the proposed overhead door would not be permitted at the location identified on the plans because it does not provide adequate setback to the lot line. In order to allow the overhead door, to be constructed as shown on plans, an alternative design for the door must be provided. Building Services staff has noted the following alternative designs have been provided in similar situations in the past:</p> <ul style="list-style-type: none"> • Provide a water curtain along the opening to provide additional fire protection. • Provide a no build easements along the southern lot line. • Provide fire shutters at openings with the proper fire resistance rating. • Other alternatives could be provided in coordination with Building Services. <p>Prior to issuance of a building permit, final construction plans must be submitted for review and approval which either removes the proposed overhead door from the</p>

		southern side of the building or provides an alternative design which address health/life safety concerns noted by Building Services.
4.	The variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.	The Parking Ordinance exists in order to provide safe, effective parking and circulation of vehicles and pedestrians on commercial sites. The applicant is proposing to improve the existing parking on the site by paving and striping the parking lot. However, in order to improve the existing parking areas and still maintain a viable commercial property, a reduction in the overall number of parking spaces required for the property must be granted. Due to these reasons, the requested Variance is not in conflict with the purpose and intent of the Ordinance, is not injurious to the neighborhood, is not detrimental to the public welfare, and is not in conflict with the Comprehensive Plan.
5.	Granting the Variance is not contrary to the public interest.	Granting the Variance will resulting in a safer, more effective parking lot for the commercial site while simultaneously promoting revitalization of an existing commercial corridor with adaptive reuses of the property. The Variance is not contrary to the public interest.
6.	Special conditions on the property result in an unnecessary hardship	The size and layout of the structure result in a property that cannot meet minimum parking requirements. As such, the existing property and site have fallen into disrepair and vacancy. The requested Variance will allow redevelopment of the property with commercial uses and improvements to the existing conditions on the site.
7.	By granting the Variance, the spirit of the ordinance will be observed.	The requested Variance will allow an adaptive reuse of an existing commercial site adjacent to the downtown area of the city, near the intersection of two principal arterial streets on the City's Major Street Plan. Redevelopment of these areas is a priority of the Downtown/Skyline Drive Neighborhood Plan. In addition, the proposed improvements to the site will result in safer, more effective parking and circulation on the property. By granting the Variance, the spirit of the Ordinance will be observed.
8.	By granting the Variance, substantial justice will be done.	The requested Variance will allow a reuse of existing land without requiring demolition of the existing structures on the site. Potential impacts of the reduction in parking will be offset by the provision of parking on railroad property to the south. Granting the Variance will serve substantial justice.

Board of Adjustment Conditions of Approval

1.	Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional shall be submitted for review and approval. Submitted plans shall either remove the proposed overhead door from the southern side of the building or provide an alternative design which addresses health/life safety concerns noted by Building Services.
2.	This Variance is to allow a minimum of 48 off-street parking spaces to be constructed on the property. A minimum of two of the parking spaces shall be handicap accessible. One of the provided handicap spaces shall be van accessible. Changes in the uses in the building which do not increase the required amount of off-street parking on the site shall be permitted. Changes to the uses within the building which result in an increase in the required amount of off-street parking shall require a new Variance be approved for an additional reduction in parking.

Board of Adjustment Criteria and Findings for Denial

Should the Board of Adjustment decide to deny the variance to reduce the required amount of off-street parking on the property the following criteria would be applicable:

	Criteria:	Findings:
1.	There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is level and fully developed in a central portion of the City developed with commercial and light industrial uses. There are no special circumstances on the property that do not apply generally to the district in general.