



Rapid City Planning Commission

Major Amendment to a Planned Unit Development

Project Report

October 8, 2015

Applicant Request(s)
Case # 15PD035 – Major Amendment to a Planned Unit Development to allow professional offices
Companion Case(s) N/A

Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted below.

Project Summary Brief

The applicant has submitted a Major Amendment to a Planned Unit Development to allow professional offices. In particular, the applicant is requesting that the Cleary Building Corporation branch office and Black Hills Garage Doors be allowed on the property in lieu of a small vet clinic. The Cleary Building branch office has seven employees the hours of operation are from 8:00 a.m. to 5:00 p.m. Monday thru Friday and 8:00 a.m. to 12:00 p.m. on Saturdays. Black Hills Garage Doors indicates that there are three employees with hours of operation from 8:00 a.m. to 5:00 p.m. Monday thru Friday.

The structure was originally allowed as an office for an equestrian center which served as an amenity to the adjacent residential development. When the equestrian center was removed from the property, the Planned Unit Development was amended to allow the structure to be used for professional offices with no outdoor storage and no parking of construction vehicles.

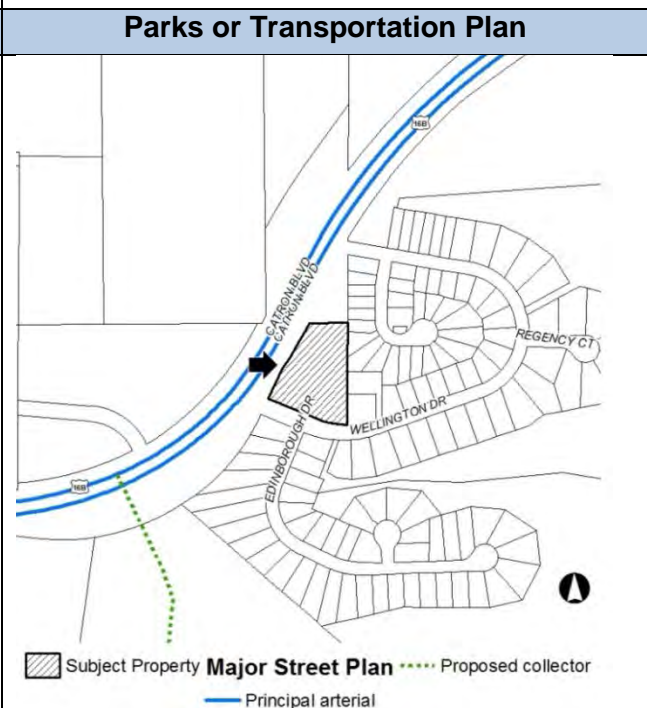
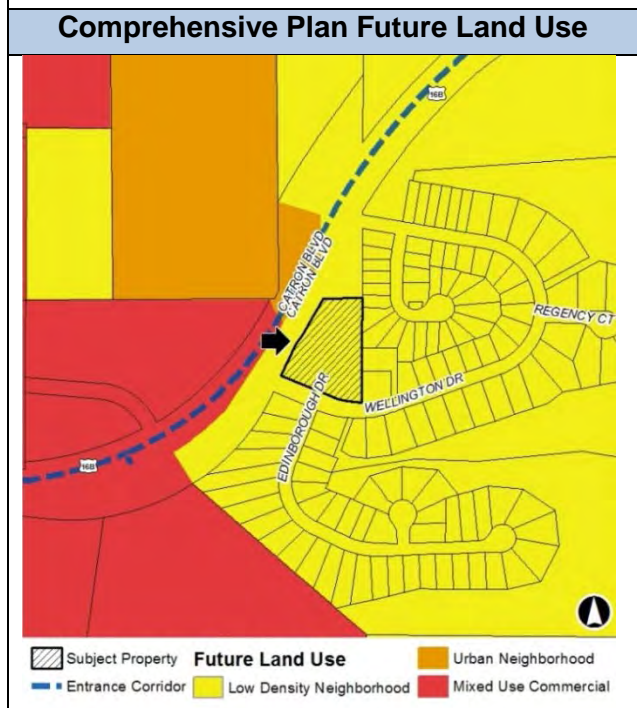
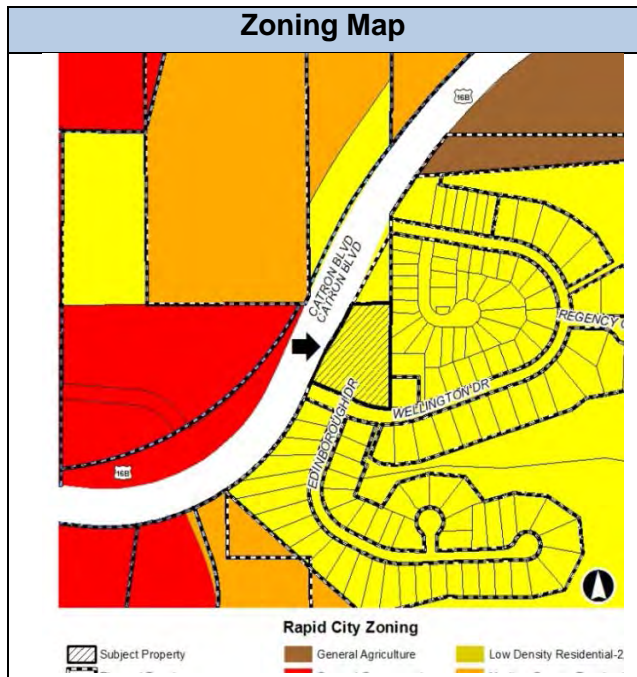
On April 4, 2013, a Major Amendment to the Planned Unit Development (File #13PD006) was approved to allow a small animal hospital. The small animal hospital use was never initiated. As such, the applicant is requesting a Major Amendment to the Planned Unit Development to allow the property to again be used for a professional office.

Applicant Information	Development Review Team Contacts
Applicant: Patrick Anderson for Thomas and Carol Cleary	Planner: Fletcher Lacock
Property Owner: Thomas and Carol Cleary	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
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Address/Location	1555 Catron Boulevard
Neighborhood	U.S. Highway 16
Subdivision	Cleary Subdivision
Land Area	2.17 acres
Existing Buildings	3,960 square feet
Topography	Gentle incline from the southwest to the northeast and east sides of the property
Access	Wellington Drive
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR - PUD	LDN – Entrance Corridor	Clearly Building
Adjacent North	MDR - PDD	LDN – Entrance Corridor	Void of structural development
Adjacent South	LDR - PUD	LDN – Entrance Corridor	Single-family dwellings
Adjacent East	LDR - PUD	LDN	Single-family dwellings and townhomes
Adjacent West	GC - PDD	MUC – Entrance Corridor	Void of structural development



Relevant Case History			
Case/File#	Date	Request	Action
02PD059	08/21/2003	Final Planned Unit Development to allow an equestrian center, a caretaker's residence, and an office building	Approved with stipulations
13PD006	4/04/2013	Major Amendment to a Planned Unit Development to allow a small animal hospital	Approved with stipulations
Relevant Zoning District Regulations			
Low Density Residential District	Required	Proposed	
Lot Area	6,500 square feet	94,525 square feet	
Lot Width	50 feet	Approximately 330 feet	
Maximum Building Heights	2.5 stories or 35 feet	Existing structures / No new development proposed	
Maximum Density	25%	4%	
Minimum Building Setback:			
• Front	20 feet	Approximately 86 feet	
• Rear	25 feet	Approximately 137 feet	
• Side	8 feet or 12 feet	Approximately 147 feet	
• Street Side	25 feet	Approximately 76 feet from Catron Boulevard	
Minimum Landscape Requirements:			
• # of landscape points	90,565	92,386	
• # of landscape islands	N/A	No structural expansion proposed	
Minimum Parking Requirements:			
• # of parking spaces	10	29	
• # of ADA spaces	1	2	
Signage	1 square foot	No new signage proposed / there is a sign located on the property that has not obtained a Sign Permit	
Fencing	N/A	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for an Final Planned Development Overlay:	
Criteria	Findings
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 94,525 square feet of land zoned Low Density Residential District with a Planned Unit Development. The previous Major Amendment approved a small animal hospital on the property. The small animal hospital did not occupy the building and the Cleary Building branch office and Black Hills Garage Doors currently occupy the building. The applicant is requesting this Major Amendment to change the use of the property from a small animal hospital to professional business offices.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is located in a Planned Unit Development which under the Municipal Code at the time of approval, allowed up to 20% of the land area to be commercial uses in a residential Planned Unit Development to serve the residential development. The subject property is





	<p>approximately 17% of the land area in the Planned Unit Development. The applicant is requesting that the Cleary Building branch office and Black Hills Garage Doors be allowed to continue to occupy the structure.</p>
<p>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:</p>	<p>The applicant is not requesting any Exceptions from the requirements of the underlying Zoning District.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:</p>	<p>The property is zoned Low Density Residential District with a Planned Unit Development. On August 21, 2003, a Planned Unit Development (File #02PD059) was approved to allow professional and business offices. The stipulations of approval required that no office use be allowed that will result in construction vehicles and/or equipment being parked on the property. In addition, no outdoor storage of building materials shall be allowed. The typical commercial uses that have been approved for the property are neighborhood serving uses and professional offices with regular business hours that do not utilize outdoor storage. Staff has received e-mails and pictures from the surrounding neighbors that indicate that Black Hills Garage Doors business hours occasionally begin at 5:00 a.m. In addition, there are numerous semi-truck and trailer deliveries and outdoor storage of materials. A sign is also located on the property advertising for Black Hills Garage Doors that has not obtained a Sign Permit.</p> <p>Based on the existing operation of Black Hills Garage Doors, the use is not suitable for the neighborhood. The hours of operation disturb the residential neighbors and are in conflict with what has been submitted on the applicant's operational plan. It does appear that professional business offices with regular business hours, without outdoor storage, and with no semi-truck delivery, would fit with the residential character of the neighborhood. The Cleary Building branch office has demonstrated that professional business offices have a lesser impact on the residential neighborhood. For these reasons, staff can support the Cleary professional business office use in the existing building but cannot support the location of Black Hills Garage Doors which appears to be more of a construction business.</p>
<p>5. Any adverse impacts will be reasonably mitigated:</p>	<p>The stipulations of approval will ensure that the use of the property is limited to professional business offices. In addition, the hours of operation will be limited to 8:00 a.m. to 5:00 p.m. Monday thru Friday and from 8:00 a.m. to 12:00 p.m. on Saturdays. No outdoor storage of materials or construction vehicles will be allowed. In addition, semi-truck and trailer deliveries are not appropriate for a residential district.</p> <p>There is a dumpster located on the east side of the</p>




	<p>property that abuts the residential neighborhood. The site plan does not identify the location of the dumpster. The previously approved plans for the small animal hospital identified that the dumpster location would be screened. As such, the existing dumpster will need to be enclosed with a screening fence.</p> <p>There have been numerous complaints over the years regarding the maintenance of the property including debris and weeds. As such, the property must be kept clear of weeds and debris at all times.</p>
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:	As noted above, no Exceptions are being requested. The property is located in a Planned Unit Development and a change in use requires that a Major Amendment be obtained.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	A Balanced Pattern of Growth
BPG-3.1A	Balanced Uses: The proposed professional office use has existed on the property for a number of years. The City has received numerous complaints about noise and the general operation of the Cleary offices over the years. Cleary has worked with the City to comply with the original Planned Unit Development stipulations. Since Black Hills Garage Doors has been located on the property, without obtaining a Building Permit, the City has again received numerous complaints regarding the operation of this use. Black Hills Garage Doors, with outdoor storage and semi-truck deliveries, belongs in a primarily industrial area.
	A Vibrant, Livable Community
LC-1.3B	Entrance Corridor Coordination: The property takes access from Wellington Drive off of Catron Boulevard which is identified as an Entrance Corridor. The type of semi-truck deliveries for Black Hills Garage Doors that use this intersection conflicts with the professional office use intended for the subject property. Delivery and storage of construction materials belongs in an industrial area. The property abuts a residential neighborhood and the existing operation of Black Hills Garage Doors has disturbed the neighbors.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: Catron Boulevard is identified as a Principal

	Arterial Street on the City's Major Street Plan. The property abuts Catron Boulevard but is accessed by Wellington Drive which also serves as the primary access for the residential neighborhood to the south and east.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Planned Unit Development requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to a Planned Unit Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Low Density Neighborhood / Entrance Corridor
Design Standards:	
N/A	The Low Density Neighborhood does not support intensive commercial uses. The subject property is located in a Planned Unit Development which originally allowed professional business offices with regular business hours. In addition, no outdoor storage of construction vehicles or construction materials are allowed.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	U.S. Highway 16
Neighborhood Goal/Policy:	
N/A	The subject property is located adjacent to Catron Boulevard that is identified as Principal Arterial Street on the City's Major Street Plan and as an Entrance Corridor in the City's Comprehensive Plan. The property abuts an established residential neighborhood but is located in a Planned Unit Development that has allowed limited commercial use of the property that serves the adjacent residential development.

Findings	
Staff has reviewed the Major Amendment to the Planned Development Overlay to allow professional offices pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. It appears that the proposed change in use from a small animal hospital to professional offices is in keeping with the previous use of the property. The Cleary Building offices have been located on the subject property for a number of years and have demonstrated that professional offices can be a suitable use when operated in compliance with the original stipulations of approval. However, Black Hills Garage Doors is a construction business that takes delivery of materials on site and stores materials that would be better suited in a commercial or industrial district. For these reasons, staff supports the use of the property for professional offices and cannot support the use of the property by Black Hills Garage Doors.	

Planning Commission Recommendation and Stipulations of Approval

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

1.	The Major Amendment to a Planned Unit Development shall allow for professional offices including the Cleary Building branch offices. The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday thru Friday and from 8:00 a.m. to 12:00 p.m. on Saturdays. No outdoor storage shall be allowed. Black Hills Garage Doors shall cease operating on the subject property. In addition, no office use shall be allowed that results in construction vehicles and/or construction materials being parked on the property. Any change in use shall require a Major Amendment to the Planned Unit Development;
2.	The property shall be kept free of weeds and debris at all times;
3.	The dumpster shall be enclosed with a screening fence;
4.	All signage shall comply with the submitted sign package. The Black Hills Garage Doors sign shall be removed from the property; and,
5.	The two proposed evergreen trees shall be planted on the east property line as proposed.