

STAFF REPORT

June 29, 2000

PCD #00PD025 - Major Amendment to a Planned Commercial Development to change the permitted uses and building footprint

ITEM 38

GENERAL INFORMATION:

PETITIONER	Dream Design for Tara Alyss, LLC
REQUEST	PCD #00PD025 - Major Amendment to a Planned Commercial Development to change the permitted uses and building footprint
LEGAL DESCRIPTION	Block 26R and 27 of Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .79 Acres
LOCATION	At the intersection of Haines Avenue, Curtis Street and Wright Street
EXISTING ZONING	General Commercial (PCD)
SURROUNDING ZONING	
North:	General Commercial
South:	General Commercial
East:	Medium Density Residential
West:	General Commercial
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Major Amendment to a Planned Commercial Development to change the permitted uses and building footprint be approved with the following stipulations:

Engineering Division Recommendations:

1. A post-construction elevation certificate shall be submitted documenting that the building location and elevation meets the FEMA Letter of Map Revision requirements;
2. Haines Avenue Drainage Basin fees shall be paid upon issuance of any building permits;
3. Upon issuance of a building permit, the petitioner shall install a public sidewalk where this property abuts Curtis Street;
4. Prior to City Council approval of the Major Amendment, the petitioner shall provide a public access easement for a public sidewalk where this property abuts Curtis Street – subject to review and approval of the Engineering Division. The easement shall be filed via an

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instrument recorded with the Pennington County Register of Deeds Office prior to City Council approval of the Use on Review;

5. Prior to City Council approval of this Major Amendment, the petitioner shall submit a new site plan showing the closure of the existing access onto Haines Avenue. The access shall be closed prior to the issuance of any building permits for the improvements identified in the site plan approved as part of this Major Amendment request;

Building Inspections Division Recommendations:

6. A building permit shall be obtained prior to any construction;
7. A Certificate of Occupancy shall be received prior to building occupancy;

Urban Planning Division Recommendations:

8. The petitioner shall construct an opaque, ornamental screening fence along the east property line as required by the original PCD. Said fence shall be constructed no later than October 1, 2000. No building permits shall be issued until the fence is constructed. The east side of the fence shall be finished and the fence shall be constructed of wood material and be maintained in good condition all times. The fence shall be four feet in height for the first twenty-five feet from the Wright street property line and six feet in height for the remaining portion of the east property line to the 100 year floodplain boundary.
9. Prior to November 1, 2000 the petitioner shall replace the dead tree located at the southeast corner of the property;
10. Disabled parking shall be provided as required by the Off-Street Parking Ordinance;
11. The petitioner shall immediately cease parking in the unpaved area located to the east of the existing drive-through lane;
12. The petitioner shall remove the storage shed located on the property to the east of the subject property no later than July 14, 2000;
13. Prior to July 14, 2000 the petitioner shall have removed or killed the majority of weeds present in the landscaped areas. Landscaped areas shall be kept relatively weed-free on a continual basis; and,
14. All stipulations of the previous PCD Major Amendment approved by the City Council on August 18, 1997 shall be met except that the permitted land uses shall now include computer/electronic sales and service for the main building, and retail or banking or automatic teller machine or any combination thereof for the smaller building.

GENERAL COMMENTS: The petitioner has requested this Major Amendment to a Planned Commercial Development to make some changes to the original PCD granted for the property on which the existing Micro Solutions building is located. The original PCD and rezoning was approved for this property in 1996 with a Major Amendment approved in 1997 to revise the PCD boundary and to allow a drive-through lane for the computer store. The approved PCD reflected both the main building which is the current location of Micro Solutions and a smaller building located to the south of the main building. This smaller building has not yet been constructed and is the focus of the current Major Amendment request. The petitioner is now

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requesting approval of the following changes as part of the current PCD Major Amendment request: (1) Allow for the immediate installation of an ATM and drive up lane, (2) To decrease the proposed building footprint for the proposed southern-most building from thirty-four by thirty six feet (34'x36') to twenty-six by thirty-one feet (26'x31'), and; (3) To change the approved future uses of the proposed southern-most building from electronics and computer sales to retail, banking or an automatic teller machine.

STAFF REVIEW: Staff has reviewed this Major Amendment request and has identified a number of issues and requirements. All issues are reflected in the Staff Recommendation portion of this Staff Report while the following are some of the more significant issues:

Access: There are currently three driveway approaches providing access to this property. There is one approach onto each of the following three streets - Haines Avenue, Wright Street, and Curtis Street. The Engineering Division has reviewed this Major Amendment request and is recommending that the existing approach onto Haines Avenue be closed. The Engineering Division has noted that the City's Street Design Criteria Manual requires that a commercial property shall have a maximum of two street approaches and that those approaches shall be located on the lower order streets.

The Transportation Planning Division has reviewed the trip generation rates for the proposed 806 square foot south building. The projections indicate that the proposed additional land uses will generate significantly more traffic than the already-approved uses. A summary of the estimated vehicle trips is included in the table that follows.

Table 1. Estimated Number of Trips for South Building (for peak hour)

<u>Land Uses</u>	<u>Estimated Peak Hour Trips</u>
Computer Sales/Service (already approved as part of original PCD)	11.76
Retail (Proposed)	11.76
Drive-In Bank	46.55
Automatic Teller Machine (ATM)	63.77

Staff has discussed the issue of access extensively with both neighborhood residents and the petitioner. Staff has received several telephone calls from residents in the area concerned with traffic impacts in the neighborhood. These residents have expressed concern with the potential closing of the Haines Avenue approach. On June 21, 2000 Planning Department and Engineering Division Staff met with three representatives of the neighborhood who all expressed concern with closure of the Haines Avenue approach. These individuals felt that closing the approach would result in increased traffic onto Curtis Street. The residents indicated that they preferred to leave the Haines Avenue approach open with traffic circulating into the subject property from Curtis Street and then exiting onto Haines Avenue. It should be

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noted that in all the discussions Staff has had with residents in this area, no one has expressed opposition to the proposed use of the property for a bank, retail sales, or an automated teller machine.

Staff has also met with the petitioner regarding the Haines Avenue approach. The petitioner has expressed strong opposition to the closure of this approach and believes the approach is crucial to the success of the businesses included in the Planned Commercial Development. The Engineering Division Staff has discussed another option regarding the Haines Avenue approach which they feel is less desirable than closing the access but more desirable than the current situation. This option would entail converting the approach into a right-in and right-out approach. With this option, a turning-median (or "lamb chop") would be constructed within the approach to prevent left-hand turning movements. Signage would also be installed indicating that only right-in and right-out vehicle movements would be allowed. The petitioner has indicated that he is willing to comply with this "compromise" for the Haines Avenue approach.

Public Sidewalk/Easement: The Engineering Division has noted that there is no public sidewalk present where the subject property abuts Curtis Street. The Engineering Division is recommending that this sidewalk be installed as part of this Major Amendment request. The Curtis Street right-of-way is currently too narrow to accommodate a public sidewalk in this location and therefore the Engineering Division is recommending that the petitioner dedicate a public access easement of sufficient width to accommodate the sidewalk. This easement will make it possible to install the sidewalk without affecting the front yard setback for the proposed building.

Screening Fence: A requirement of both the original Planned Commercial Development approved in 1996 and the Major Amendment approved in 1997 was that a screening fence needed to be constructed along a portion of the eastern property line as the subject property abuts Medium Density Residential zoning. This fence has never been constructed and therefore Staff is now recommending that this fence be constructed prior to the petitioner receiving any building permits but no later than October 1, 2000. The fence can only be constructed for part of the distance along the lot line as the southern portion of the lot line is located within the 100 year floodplain boundary.

Use of Medium Density Residential Property: As noted, the property directly to the east of the subject property is zoned Medium Density Residential. The petitioner has acquired Block 25R to the east of the Micro Solutions store. The petitioner is using a portion of this property for parking of employee vehicles. The Zoning Ordinance does not allow a commercial parking lot to be located within the Medium Density Residential Zoning District. Furthermore, the area being used for parking is not paved. There is also a large storage shed located on the northwest corner of Block 25R. This shed also represents a zoning violation as it is located in the Medium Density Residential Zoning District and cannot be used for commercial purposes. Similarly, the shed cannot be used for residential purposes because there is no principal

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structure on Block 25R. Accessory uses such as a shed are not allowed on a residentially zoned lot unless there is already a principal structure such as a house present. Staff is recommending that the petitioner immediately cease parking vehicles on Block 25R and that the storage shed be removed no later than July 14, 2000.

Landscaping: Staff has noted that one of the trees required as part of the landscaping for the subject property has died. This tree must be replaced as the City's Landscape Ordinance requires that plants not only be installed but maintained in a healthy state. Staff has also noted that much of the landscaping on the site is plagued by weeds. Staff is recommending as part of this Major Amendment request that the weeds be removed or killed no later than July 14, 2000. Staff would also encourage the petitioner to investigate a means of remedying the weed problem on a long-term basis. If installed properly, a fabric weed barrier placed under the landscaping mulch will prevent most weed growth on a long-term basis.

Staff has reviewed this proposed Major Amendment to a PCD and is recommending approval with the stipulations outlined. The required Planned Development sign has been posted on the property. As of this writing, the receipts from the required certified mailing have not yet been returned to Staff. Staff will notify the Planning Commission in the event these receipts are not received prior to June 29, 2000. Staff has received three telephone inquiries regarding this request. Additionally, Staff has met with three neighborhood residents. All inquiries have related to concerns associated with traffic impacts upon the neighborhood.