

STAFF REPORT

June 7, 2001

No. 01UR021 - Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code

ITEM 10

GENERAL INFORMATION:

PETITIONER	Moyle Petroleum Company and City of Rapid City
REQUEST	No. 01UR021 - Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code
LEGAL DESCRIPTION	Lot 1 of Sheridan Park Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.14 acres
LOCATION	2808 Sheridan Lake Road
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Office Commercial District (PCD)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code **be approved with the following stipulations:**

Engineering Division Recommendations:

1. **That no fill or grading shall be allowed in the major drainage easement located in the northeast corner of the property;**

Building Inspection Department Recommendations:

2. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

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Urban Planning Division Recommendations:

3. **Prior to City Council approval the required screening fence shall be constructed or surety posted in the amount necessary to cover the cost of the screening fence; and,**
4. **The Use on Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.**

GENERAL COMMENTS: This Staff Report has been revised. New or revised text is shown in bold print. The subject property is currently zoned Neighborhood Commercial which does not allow car washes as a permitted use or a use permitted on review. Chapter 17.20.030(I) of the Rapid City Municipal Code provides that the Planning Commission may allow as a Use on Review "other uses which meet the intent of the district". This section also requires that the applicant submit for review and approval a site plan that includes the type of use proposed, a parking and circulation plan, landscaping plan, screening plan and any other information deemed necessary to make a determination. Therefore, the applicant is requesting that the Planning Commission determine that a car wash is an appropriate use for this property and grant Use on Review approval to construct a car wash on the subject property.

Currently, a 2,400 square foot convenience store, gas pumps and a canopy covering the gas pumps are located on the property. In 1988, a building permit was issued to construct the convenience store and a variance was granted to relocate the screening fence and eliminate the parking lot curb requirements. The canopy covering the gas pumps was constructed in 1988.

The site plan submitted with this request shows the proposed 1,440 square foot car wash building will be constructed southeast of the existing convenience store, approximately seven feet from the east property line. Patrons will access the car wash from the north side of the convenience store parking lot and exit onto Wapiti Street.

STAFF REVIEW: As mentioned previously, a site plan was submitted with this request. However, the plan did not include a screening, landscaping, parking or circulation plan. In addition, staff has indicated that the applicant must provide a grading plan, drainage plan and revise the site plan to include the location of utilities within 500 feet of the property. A major drainage easement is located in the northeast corner of the property and staff is concerned that the proposed stacking lane encroaches into the drainage easement. Therefore, the Engineering Division is requiring that the applicant identify the location of this easement on the site plan.

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The applicant has submitted a revised site plan and staff has reviewed the proposal with regard to the criteria established for Use on Reviews and has the following comments:

Drainage easement: As mentioned previously, a major drainage easement is located in the northeast corner of the property. The revised site plan submitted by the applicant identifies that the proposed stacking lane will not encroach into the drainage easement. The Engineering Division has noted that the applicant will not be allowed to grade or place any fill in the drainage easement.

Screening: In 1988, when the convenience store was constructed, a screening fence was required to screen the residential properties to the north and east. At that time a variance was granted to allow the applicant to construct the fence closer to the convenience store rather than abutting the north and east property lines. Building Permit records indicate that the screening fence was constructed; however the applicant has indicated that because the fence had been vandalized several times the property owner removed the fence entirely several years ago. With the removal of the screening fence the property is in violation of Section 17.20.080 of the Rapid City Municipal Code which states "When a neighborhood commercial district is adjacent to a residential district, exclusive of alleys, an opaque ornamental screening fence not less than five feet nor more than six feet in height shall be constructed along the abutting property lines and shall be maintained in good condition." Therefore staff is recommending that prior to City Council action on this Use on Review that the applicant shall either construct the screening fence along the north and east side of the subject property or post surety in the amount necessary to cover the cost of the screening fence.

Staff finds this request in general compliance with the twelve criteria established for Use on Reviews and is recommending approval contingent upon compliance with the previously stated stipulations.