

STAFF REPORT  
November 22, 2006

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**No. 06PD085 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for CSU Properties, Inc.
REQUEST	<b>No. 06PD085 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	550 North Fifth Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/5/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: Staff recommends that the Major Amendment to a Planned Commercial Development be **denied without prejudice**.

GENERAL COMMENTS: **This staff report has been revised as of November 14, 2006. All revised and/or added text is shown in bold print. This application was continued at the November 9, 2006 Planning Commission to allow the applicant to submit additional information.** A Planned Commercial Development - Initial and Final Development Plan (02PD025) to construct a 12,276 square foot office building on the subject property was approved by the Planning Commission on March 27, 2003 with 18 stipulations. Those stipulations were:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, the applicant shall provide construction plans for the installation of required barriers or guardrails for any pedestrian walkways adjacent to walls and grade changes of more than 30 inches;

STAFF REPORT  
November 22, 2006

---

**No. 06PD085 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

2. Prior to issuance of a Certificate of Occupancy, the applicant shall complete and file any additional utility easements necessary for constructing, accessing and maintaining public infrastructure;

Fire Department Recommendations:

3. All Uniform Fire Codes must be continually met;
4. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;
5. All access, turnarounds and parking areas shall comply with all requirements of the Uniform Fire Code and the Rapid City Street Design Criteria Manual;
6. Prior to issuance of a Building Permit for the proposed parking area, the Fire Department shall have reviewed and approved plans to ensure that adequate emergency vehicle access and circulation is being provided;
7. Prior to issuance of a Building Permit, the applicant shall submit building plans showing the provision of a fire sprinkler system throughout the proposed structure;

Building Inspection Division Recommendations:

8. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;

Urban Planning Division Recommendations:

9. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
10. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
11. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
12. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
13. All provisions of the Sign Code shall be continually met;
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;
15. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not reflect directly onto any public rights-of-way creating a traffic hazard;
16. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development;
17. Prior to Planning Commission approval of the Initial and Final Development Plan, the applicant shall provide written documentation from the affected utility companies

STAFF REPORT  
November 22, 2006

---

**No. 06PD085 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

- identifying that they have reviewed and approved the miscellaneous document dedicating the utility easement(s) necessary for the relocation of existing utilities and installation of future utilities; and,
18. Prior to Planning Commission approval of the Initial and Final Development Plan, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easement(s) necessary for the relocation of existing utilities and installation of future utilities. In addition, the miscellaneous document shall include temporary utility easement(s) for the existing utilities until the necessary utility relocations have been completed. The applicant shall provide a copy of the filed document to the Rapid City Planning Department.

A Major Amendment to a Planned Commercial Development (05PD091) was approved on February 9, 2006 with eight stipulations. Those stipulations were:

1. In addition to the office uses allowed with the Planned Commercial Development, the uses allowed within the Major Amendment to a Planned Commercial Development shall be the addition of a waterfall feature, the relocation of the dumpster, and wall signs as per the site plans submitted;
2. A sign permit shall be obtained prior to installation of the wall signs and the provisions of the Sign Code shall be continually met. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;
3. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;
4. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
5. All requirements of the 2003 International Fire Code shall be continually met;
6. The structure screening the dumpster shall be constructed as per the submitted site plan;
7. All stipulations of the Planned Commercial Development (02PD025) shall be continually met to include:
  1. All access, turnarounds and parking areas shall comply with all requirements of the Uniform Fire Code and the Rapid City Street Design Criteria Manual;
  2. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;
  3. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
  4. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
  5. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not reflect directly onto

STAFF REPORT  
November 22, 2006

---

**No. 06PD085 - Major Amendment to a Planned Commercial Development**      **ITEM 48**

---

- any public rights-of-way creating a traffic hazard;
6. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development; and,
  8. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The applicant has submitted this Major Amendment to a Planned Commercial Development to eliminate the required landscaping islands in the parking lot. The developed property is located at 550 North Fifth Street, southeast of the intersection of Fifth Street and North Street.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development and noted the following considerations:

Landscaping: The Landscaping Ordinance requires that fifty percent of the required landscaping must be within twenty feet of the parking area, that landscaping islands must be provided at a ratio of one island for every fifty parking spaces and that landscaping must be provided along the north, south and east sides of the property to provide a buffer to the adjacent residential properties. A landscaping plan was submitted as part of the approved Major Amendment to a Planned Commercial Development indicating that all the requirements of the Landscaping Ordinance have been met. Two 100 square foot landscaping planting areas were approved to be located at the entrance to the parking lot. All planting materials within this landscape area may not obstruct the sight triangle and shall not exceed two and one-half feet above the surface of the parking lot. This current Major Amendment request is to allow the removal of the two landscaping islands. The site plan submitted with the application did not indicate the removal of the landscaping islands and was not to scale. Staff is requesting that, prior to Planning Commission approval, the applicant submit a revised landscaping plan to scale, indicating that the property complies with all the requirements of the Landscaping Ordinance. **The number of landscaping points required to meet the Landscaping Code for this property is 30,000 points. The landscaping regulations indicate that planter islands within the parking lot must be provided at a ratio of one such area for every fifty parking spaces, contain a minimum of 100 square feet and provide for one tree with shrubs, groundcover and/or mulch covering at the base. Planter islands provide aesthetic and environmental benefits. In addition, the planter islands reduce the heat and noise of the parking lot, and reduce the glare of sunlight from parking lot pavements. Two 100 square foot landscaping islands, as required for the sixty parking stalls indicated on the site plan within the Planned Commercial Development to meet the Landscaping Code, have been approved. The applicant has submitted a revised landscaping plan, indicating that the landscaping points will exceed 100,000 points. However, the landscaping islands are planned to be removed and not replaced. The applicant has requested that the landscaping in an area adjacent to the parking lot be used to fulfill the requirement for the landscaping islands. As the landscaping requirement for planter islands have not been met, staff does not support the Major Amendment to a Planned Commercial Development to eliminate the two required landscaping islands in the**

STAFF REPORT  
November 22, 2006

---

**No. 06PD085 - Major Amendment to a Planned Commercial Development      ITEM 48**

---

**parking lot. (Revised 11-14-06)**

Parking Lot: Staff is requesting that prior to Planning Commission approval, the applicant submit a revised parking plan indicating that the Parking Ordinance requirements have been met. **The parking plan submitted indicates that 60 parking spaces will be provided to include three handicapped spaces, one being van accessible. The Parking Ordinance requirements have been met. (Revised 11-14-06)**

Dumpster: The approved Major Amendment to a Planned Commercial Development allowed a dumpster to be located at the northeast corner of the parking lot outside of the 26 foot access aisle and behind the required front yard setback. The dumpster would be housed within an eleven foot wide, six foot deep and eight foot high structure with a gabled roof. The accessory structure to screen the dumpster has been constructed. However, the dumpster is located in the parking lot, adjacent to but not within the structure. As such, prior to Planning Commission approval, the dumpster must be relocated within the structure. **The dumpster has been relocated within the structure. (Revised 11-14-06)**

Permits: **Staff has indicated that the applicant has not obtained a Certificate of Occupancy. The landscaping requirement must be completed or a surety posted for the balance of the requirements not completed and an Occupancy Permit obtained. (Revised 11-14-06)**

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission if these requirements have not been met. **The sign has been posted on the property; however, the certified mailings have not been returned. Staff will notify the Planning Commission if this requirement has not been met. (Revised 11-14-06)** Staff has received **one** objection regarding the proposed amendment at the time of this writing **due to incomplete landscaping and blowing dust and dirt. (Revised 11-14-06)**

Staff is recommending that the Major Amendment to a Planned Commercial Development be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit the revised information. **Staff is recommending that the Major Amendment to a Planned Commercial Development be denied without prejudice as the landscaping requirements, required by the Rapid City Municipal Code, have not been met. (Revised 11-14-06)**