

STAFF REPORT
January 27, 2011

No. 10PD071 - Final Commercial Development Plan to allow commercial uses including on-sale liquor establishments **ITEM 12**

GENERAL INFORMATION:

APPLICANT	THF Stoneridge Development, LLC
AGENT	Wolverton & Associates
PROPERTY OWNER	Stoneridge, LLC
REQUEST	No. 10PD071 - Final Commercial Development Plan to allow commercial uses including on-sale liquor establishments
EXISTING LEGAL DESCRIPTION	<p>A portion of Lot 1, Block 2 of Fifth Street Office Plaza, and a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 134.82 feet, and the point of beginning; Thence first course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 233.03 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence third course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence fourth course: S72°01'35"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence fifth course: S77°25'15"E a distance of 217.74 feet; Thence sixth course: N27°30'18"E, a distance of 281.17 feet, to a point on the westerly edge of Fifth Street right-of-way, common to a point on the northerly boundary of Lot 1 of Block 2 of Fifth Street Office Plaza; Thence seventh course: S62°29'41"E, along the westerly edge of said Fifth Street right-of-way, common to the northerly boundary of said Lot 1 of Block 2, a distance of</p>

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279.03 feet, to the northeasterly corner of said Lot 1 of Block 2; Thence eighth course: S62°29'05"E, along the westerly edge of said Fifth Street right-of-way, a distance of 134.83 feet; Thence ninth course: curving to the right, along the westerly edge of said Fifth Street right-of-way, on a curve with a radius of 909.00 feet, a delta angle of 14°12'45", a length of 225.48 feet, a chord bearing of S55°23'16"E, and chord distance of 224.91 feet; Thence tenth course: S42°58'26"W, along the westerly edge of said Fifth Street right-of-way, a distance of 12.00 feet; Thence eleventh course: S42°54'18"W, a distance of 296.40 feet; Thence twelfth course: S45°50'37"E, a distance of 81.18 feet; Thence thirteenth course: S00°18'52"W, a distance of 297.86 feet, to a point on the northerly edge of Stumer Road right-of-way; Thence fourteenth course: curving to the left, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 430.50 feet, a delta angle of 12°59'30", a length of 97.62 feet, a chord bearing of S53°34'37"W, and chord distance of 97.41 feet; Thence fifteenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 43°15'37", a length of 278.99 feet, a chord bearing of S68°41'45"W, and chord distance of 272.41 feet; Thence sixteenth course: N89°40'48"W, along the northerly edge of said Stumer Road right-of-way, a distance of 730.69 feet; Thence seventeenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 30°00'38", a length of 193.54 feet, a chord bearing of N74°39'10"W, and chord distance of 191.33 feet; Thence eighteenth course: N59°42'02"W, along the northerly edge of said Stumer Road right-of-way, a distance of 351.37 feet; Thence nineteenth course: N12°34'45"E, a distance of 728.41 feet, to the point of beginning

PARCEL ACREAGE

Approximately 30.317 acres

LOCATION

Northeast of the intersection of Stumer Road and Black Hills Boulevard

EXISTING ZONING

General Commercial District (Planned Commercial Development) - Public District (Planned Commercial Development)

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SURROUNDING ZONING

North: Office Commercial District (Planned Development Designation) - General Commercial District (Planned Development Designation) - Public District
South: General Commercial District (Planned Development Designation)
East: General Commercial District (Planned Development Designation) - Public District
West: Office Commercial District (Planned Development Designation) - General Commercial District (Planned Development Designation)

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 12/21/2010

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Final Commercial Development Plan to allow commercial uses including on-sale liquor establishments be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, an Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
2. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In particular, the construction plans shall be revised to show the proposed raised "pork chop" island to be constructed at the Eagle Ridge Apartment entrance located outside of E. Stumer Road right-of-way. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;
3. Prior to issuance of a building permit, the applicant's "Easements with Covenants and Restrictions Affecting Land (ECR)" document shall be recorded at the Register of Deed's Office to secure access between the properties. In addition, a copy of the recorded document shall be submitted to the Growth Management Department;
4. Prior to issuance of a building permit, a Covenant Agreement shall be executed to provide the maintenance of the stormwater management facility to be located on proposed Lot 3;
5. Prior to issuance of a building permit, the construction plans shall be revised to include a note stating that "the design of the street lights shall comply with City Design Standards or the applicant shall enter into a Covenant Agreement with the City securing maintenance of the proposed decorative street lights along E. Stumer Road from 5th Street to Black Hills Boulevard. If an alternate street light design is utilized, then prior to issuance of a Permit to Work in the Right-of-way, the Covenant Agreement shall be recorded at the Register of Deed's Office and copies of the recorded documents shall be submitted to the Growth Management Department;

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6. Prior to issuance of a building permit, the construction plans be revised to include a note stating that “the color of the traffic signal poles and components shall be pursuant to City and State Design Requirements. If an alternate color is utilized, then prior to issuance of a Permit to Work in the Right-of-way, the applicant shall enter into a Covenant Agreement with the City and the South Dakota Department of Transportation securing maintenance of the paint on the traffic signal poles and components to be located at the intersections of 5th Street and Stumer Road, 5th Street and Catron Boulevard and Black Hills Boulevard and Catron Boulevard. In addition, the Covenant Agreement shall be recorded at the Register of Deed’s Office and copies of the recorded documents shall be submitted to the City”.
7. Prior to issuance of a building permit, a note shall be placed on the landscape plan stating that the soils shall be replaced as needed to support spruce trees. The landscaping shall be provided in compliance with the submitted plans. In particular, a minimum of 672,350 landscape points shall be provided on the Walmart Supercenter lot as proposed. In addition, a minimum of 15 planter islands shall be provided. Bermed landscaping and evergreen trees with a minimum height of six feet shall be provided along the northwest corner of the property as shown on the landscape plan. In addition, a minimum of 232,000 landscape points shall be provided on the mini-anchor and retail shop lot in accordance with approved plans. A minimum of six planter islands shall also be provided. In addition, landscaping shall be provided along 5th Street in compliance with the proposed landscape plan. All landscaping shall be irrigated and shall comply with all requirements of the Landscape Ordinance;
8. Prior to issuance of a building permit, a Fence Height Exception shall be obtained to allow a 10 foot high fence in lieu of an 8 foot high fence to enclose a pallet storage area located along the west side of the proposed “Walmart Supercenter” building or the fence elevation shall be revised to show a maximum 8 foot high fence or shown in compliance with previously approved Fence Height Exception. In addition, a Minimal Amendment to the Planned Commercial Development shall be obtained to allow the revised fence elevation if the Fence Height Exception is not obtained. The balance of the proposed fencing shall be provided in accordance with the design and plans submitted;
9. Prior to issuance of a Certificate of Occupancy, bollard barrier(s) within the westbound lane west of the approach into the Eagle Ridge Apartments and bollard barrier(s) within the eastbound lane of Stumer Road directly east of the intersection of Stumer Road and Enchantment Road shall be constructed as per the approved construction plans. Regulatory signs designed in accordance with the Manual on Uniform Traffic Control Devices shall be posted at both ends of Stumer Road. In addition, the raised “pork chop” island **or alternative traffic control as approved by the City Engineer** shall be constructed within the Eagle Ridge Apartment approach along Stumer Road, outside of the street right-of-way, to preclude left turns from the Eagle Ridge Apartment property onto Stumer Road;
10. Prior to issuance of a Certificate of Occupancy, the following street improvements shall be completed pursuant to the Traffic Impact Study or surety shall be posted for the improvement:
 - Signalize the intersection of Catron Boulevard and Black Hills Boulevard;
 - Signalize the intersection of 5th Street and Stumer Road;
 - Coordinate the two proposed traffic signals with the existing traffic signal at

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- Catron Boulevard and 5th Street with a hard wire interconnect;
 - Construct dual eastbound left-turn lanes on Stumer Road at 5th Street;
 - Construct a separate southbound right-turn lane on 5th Street at Stumer Road;
 - Construct dual southbound left-turn lanes on 5th Street at Catron Boulevard;
 - Construct a separate westbound right-turn lane on Stumer Road at the main Walmart drive; and,
 - Construct a separate westbound right-turn lane at the east driveway on Stumer Road servicing the retail shops.
11. Prior to issuance of a Certificate of Occupancy, the applicant shall enter into a Covenant Agreement with the City to secure the timing of the following improvements pursuant to the Traffic Impact Study:
- Construction of a separate westbound right turn lane on Catron Boulevard at Black Hills Boulevard; and,
 - Construction of a separate northbound right turn lane on Black Hills Boulevard at Outlot 10;
12. The proposed signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
13. No camping or overnight parking shall be allowed. In addition, "No Camping or Overnight Parking" signs shall be posted within the parking lot(s) in accordance with the plans submitted;
14. An Exception is hereby granted to allow the lighting from the parking lot to reflect onto the adjacent sidewalk located within E. Stumer Road right-of-way. The balance of the lighting shall be designed to reflect light within the property boundaries, so as not to reflect or shine onto adjoining properties and rights-of-way and so as to not be a hazard to the passing motorist or constitute a nuisance of any kind;
15. The proposed Walmart Supercenter structure, the proposed service kiosk and the proposed shopping center structure shall conform architecturally to the elevations, design plans and color palette submitted as part this Final Commercial Development Plan. In addition, the roof membrane(s) shall be tan in color as proposed ~~and the framing for the skylights shall match the color of the roof membrane.~~ Changes to the elevations may be authorized by the Growth Management Director when they are consistent with the revised architectural style of the development as approved herein;
16. No outdoor storage of palettes, card board boxes or other similar materials shall be allowed outside of the screened area. In addition, no storage of semi-trailers shall be allowed on the property;
17. All traffic markings shall be installed and maintained by the applicant at all times pursuant to the approved construction plans;

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18. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed if required as per the currently adopted International Fire Code;
19. A minimum of 730 parking spaces shall be provided on the Walmart Supercenter lot. In addition, 15 of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". In addition, a minimum of three stacking spaces per drive up window shall be provided. A minimum of 235 parking spaces shall be provided on the mini-anchor and retail shop lot. In addition, five of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
20. A bike rack(s) shall be provided in accordance with the design and plans submitted;
21. Noise generated by the development shall continually comply with the Acoustical Assessment Report which states that the sound levels at the property lines shall not exceed Ldn 65 dBA;
22. All construction traffic shall be routed along Catron Boulevard;
23. All use(s) permitted within the General Commercial District shall be allowed. Conditional use(s) within the General Commercial District shall require specific authorization as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. Off-premise liquor sales with no on-premise liquor consumption shall be allowed on both lots. In addition, on-sale liquor establishments, in conjunction with a full-service restaurant only, shall be allowed on the mini-anchor and shopping center lot. A Major Amendment to the Commercial Development Plan shall be obtained prior to issuance of a building permit for the mini-anchor building. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan application or a subsequent Major Amendment; and,
24. 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

The applicant has submitted a Final Commercial Development Plan to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center, a ~~30,900~~ **27,300** square foot mini-anchor retail store, a ~~16,000~~ **19,600** square foot shopping center and a detention facility on property. In addition, the applicant has submitted a Preliminary Plat (File #10PL096) to create five lots to be known as Lots 1 through 5, Block 4 of the Black Hills Center. The proposed "Walmart Supercenter" is to be located on proposed Lot 2 and the ~~30,900~~ **27,300** square foot mini-anchor retail store, the ~~16,000~~ **19,600** square foot shopping

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center and the detention facility is to be located on proposed Lot 3. The applicant has indicated that the Walmart Supercenter and the detention pond will be constructed as Phase One. The applicant has also indicated that the mini-anchor retail store and the shopping center will be constructed as Phase Two.

The applicant has also submitted a Fence Height Exception request (File #10FV018) to allow a 10 foot high fence in lieu of an 8 foot high fence to enclose a pallet storage area located along the west side of the proposed "Walmart Supercenter" building to be constructed on proposed Lot 2.

An Initial Commercial Development Plan (File #10PD031) was approved with stipulations by the Planning Commission on June 14, 2010 and upheld upon appeal by the City Council on June 28, 2010. The Initial Commercial Development Plan was approved to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center and to allow a 30,900 square foot mini-anchor retail store and a 16,000 square foot shopping store on the property.

On July 19, 2010, the City Council previously approved several Rezoning requests and Comprehensive Plan Amendment requests for the property. They are as follows: File #10RZ016, 10RZ017, 10RZ018, 10RZ019, 10CA005, 10CA006, 10CA007 and 10CA008.

On September 7, 2010, the City Council approved a Fence Height Exception (File #10FV011) to allow 10 foot to 16 foot high fence(s) on the property to enclose the garden center along the southern portion of the proposed building, the environmental cage and pallet storage areas on the west side of the proposed building and the compressor house on the north side of the proposed building.

The property is located northeast of the intersection of Black Hills Boulevard and Stumer Road and west of 5th Street. The property is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed this request with respect to the four criteria established for on-sale liquor establishments identified in Section 17.50.185 of the Rapid City Municipal Code:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within a five hundred foot radius.*

There are no places of religious worship, schools or parks located within a 500 foot radius of the subject property. All of the abutting properties are zoned General Commercial District with a Planned Development Designation or Office Commercial District with a Planned Development Designation. In addition, the proposed use is for off-premise liquor sales with no on-premise consumption on both Lot 2 and Lot 3 and for on-sale liquor use in conjunction with a full service restaurant on proposed Lot 3. Staff does not find that the use will have any adverse effects on the area.

2. *The requested use is "sufficiently buffered" with respect to residential areas so as not to*

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“adversely affect” such areas.

As previously noted, all of the abutting properties are zoned General Commercial District with a Planned Development Designation or Office Commercial District with a Planned Development Designation. Properties located approximately 85 feet northwest of the northeast corner of proposed Lot 2 are currently zoned Medium Density Residential District with a Planned Residential Development and have been constructed with single family residences. Properties located approximately 120 feet northeast of the northeast lot line of proposed Lot 3, located on the east side of 5th Street, are currently zoned Low Density Residential District and are currently void of any structural development. The applicant is proposing to provide landscaping along the perimeter of the development which will serve as a buffer between the uses. In addition, the proposed use is for off-premise liquor sales with no on-premise consumption on both Lot 2 and Lot 3 and for on-sale liquor use in conjunction with a full service restaurant on proposed Lot 3. The Planned Commercial Development will continue to serve as a tool to mitigate impacts of the proposed development. As such, it does not appear that the proposed use will have any significant adverse effects on the area.

- 3. The proposed use will not create an undue concentration of similar uses, so as to cause “blight, deterioration, or substantially diminish or impair property values.”*

There are no existing on-sale liquor establishments located within 500 feet of the property. The closest on-sale liquor establishment is located at 5959 S. Highway 16, approximately one mile east and north of the property. The proposed use is for off-premise liquor sales with no on-premise consumption on both Lot 2 and Lot 3 and for on-sale liquor use in conjunction with a full service restaurant on proposed Lot 3. As such, the use would not appear to create an undue concentration causing blight or deterioration or diminish land values in the surrounding area.

- 4. The proposed use has been reviewed under Chapter 17.54.030 (E) Criteria for Review.*

Staff previously reviewed the use pursuant to Chapter 17.54.030.E of the Rapid City Municipal Code and noted the following considerations:

Structural Elevations: The applicant has submitted elevations for the proposed Walmart Supercenter building identifying the structure as being one story with a flat roof and a parapet along the front of the building. The elevations identify that the building will have a maximum height of 40 feet. The building will be constructed with a combination of precast concrete walls with cultured stone accents. In addition, the colors of the structure shall consist of “Cobble Brown, Buff Napoleon, Tricorn Black, Oak Creek, Rockwood Clay, Dark Brown, Row House Tan, Rockwood clay, and Red Ryan”.

The roof elevation for the Walmart Supercenter building includes several skylights protruding on top of the structure. The applicant has indicated that the skylights have become an industry standard in order to reduce energy consumption. Due to the number of proposed skylights, staff has noted concerns with the impact on night skies within the area.

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Additional concerns were noted as a result of the recent completion of the Sam's Club building on Eglin Street. That building used a similar roof design. As such, staff visited the site to review the impact of the proposed roof design on the surrounding properties. It appears that the structure will be significantly taller than the residential development located northwest of the property which reduces the impact of the skylights. Most of the properties that are constructed at an elevation resulting in a view of the roof top are located at a significant distance away from the building, reducing the impact of the skylights. Staff did note that the roof top will be visible from a few residential lots located west of the proposed structure along Enchantment Road. **As such, staff recommends that the framing for the skylights be the same tan color as the proposed roof membrane.**

The applicant has also submitted elevations for the proposed 16,900 square foot shopping center identifying the structure as one story with a flat roof and a parapet along the front of the building. The building will be constructed with split face concrete masonry units, exterior insulation and finish system (EIFS), and metal coping. The colors will be consistent with the Walmart Supercenter building with shades of brown and tan. Both roof membranes have been identified as "tan".

The applicant has also submitted an elevation for the proposed customer kiosk to be located along the south side of the Walmart Supercenter building, next to the automotive service area. The elevations identify the kiosk as a 4.5 foot by 6.5 foot one story structure **constructed with the same materials and color as the Walmart Supercenter building. Staff recommends that the kiosk conform architecturally to the elevations, design plans and color palette submitted as part of this Final Commercial Development Plan.**

Staff recommends that the proposed Walmart Supercenter structure, the proposed service kiosk and the proposed shopping center structure conform architecturally to the elevations, design plans and color palette submitted as part this Final Commercial Development Plan; however, minor changes may be authorized by the Growth Management Director when they are consistent with the revised architectural style of the development as approved herein.

Elevations for the future proposed mini-anchor building have not been submitted for review and approval. As such, prior to issuance of a building permit for the mini-anchor building, a Major Amendment to the Planned Commercial Development must be obtained.

Parking: A minimum of 730 parking spaces are required for the Walmart Supercenter building. In addition, 15 of the parking spaces must be handicap accessible spaces with two of the handicap spaces being "van accessible". A minimum of three stacking spaces per drive up window must also be provided. The applicant has submitted a parking plan for the Walmart Supercenter building identifying 734 parking spaces with 20 handicap accessible spaces. In addition, six of the handicap spaces are "van accessible". The parking plan also identifies three stacking spaces per drive up window for the proposed pharmacy.

A minimum of 235 parking spaces are required for the mini-anchor retail store and shopping center. In addition, five of the parking spaces must be handicap accessible spaces with one of the handicap spaces being "van accessible". The applicant has submitted a parking plan

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for the mini-anchor retail buildings identifying 271 parking spaces with 5 handicap accessible spaces. In addition, two of the handicap spaces are "van accessible".

The proposed parking plan for both lots meets the minimum requirements of the Off-Street Parking Ordinance. Staff recommends that all provisions of the Off-Street Parking Ordinance be continually met.

Shared Access: The site plan identifies an access aisle located on proposed Lot 2 which will serve as access to the parking lots located on Lots 2 and 3. The applicant has submitted a copy of an "Easements with Covenants and Restrictions Affecting Land (ECR)" document which will secure access between the properties.

Staff recommends that prior to issuance of a building permit, the applicant's "Easements with Covenants and Restrictions Affecting Land (ECR)" document be recorded at the Register of Deed's Office. In addition, a copy of the recorded document must be submitted to the Growth Management Department.

Bike/Pedestrian Accessibility: The applicant's site plan identifies that a sidewalk will be constructed along the front of the Walmart Supercenter building and extended south to connect to the existing sidewalk along Stumer Road. In addition, a sidewalk will be provided on the south side of a landscape boulevard that extends from the front of the Walmart Supercenter building to the mini-anchor retail lot. In addition, pedestrian crosswalks will be provided across the shared access aisle located between the two developments. A sidewalk is also being extended along the west side of the shared access aisle from the front of the mini-anchor retail buildings to Stumer Road, connecting with the existing sidewalk along Stumer Road. The proposed sidewalks provide pedestrian access through the development as well as from the adjacent street right-of-way to the front of the proposed commercial buildings.

The site plan also identifies a bike rack being provided in front of the Walmart Supercenter building and the mini-anchor and shopping center building. The bike rack elevations identify the bike rack(s) designed to support the frame of the bicycle and not just one wheel, to allow the frame and both wheels to be locked to the rack, to be securely anchored, to be usable by bicycles with no kickstand, to be usable by bicycles with water bottle cages and to be usable by a wide variety of sizes and types of bicycles. In addition, the elevations show the bike racks as stainless steel.

Staff recommends that the sidewalks and bike rack(s) be provided in accordance with the design and plans submitted.

Camping: The applicant has indicated that no camping or overnight parking will be allowed within the parking lot(s). In addition, the applicant has submitted a site plan showing the location of signage stating "No camping or overnight parking". Staff recommends that the signs be posted within the parking lot as proposed and that no camping or overnight parking be allowed as proposed by the applicant.

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Landscaping: A minimum of 671,833 landscape points with 15 planter islands are required on the Walmart Supercenter Lot. The applicant has submitted a landscape plan identifying 672,850 landscape points with 15 planter islands on the lot. One of the planter islands has been designed as a 28 foot wide by 350 foot long landscape boulevard extending from the front of the store through the parking lot. The landscape boulevard will serve to reduce the glare and heat from the adjacent parking lot.

The landscape plan for the Walmart Supercenter lot also identifies bermed landscaping along the northwest corner of the property to provide additional screening of the proposed commercial structure from the residential development located north and west of this site. The Initial Planned Commercial Development was approved with the stipulation that the proposed evergreen trees located along the northwest corner of the property be planted with a minimum height of 6 feet and that the proposed deciduous trees along the northwest corner be planted with a minimum three inch caliper measured 12 inches above grade in order to buffer the residential development located north and west of the property. The landscape plan submitted with this application complies with this requirement.

A minimum of 231,884 landscape points with six planter islands are required on the mini-anchor and shopping center lot. The applicant has submitted a landscape plan identifying 231,950 landscape points with 13 planter islands on the lot. The landscape plan also identifies landscaping along 5th Street, north of the detention facility.

The applicant has submitted a soils analysis which states that the soils will not support spruce trees. As such, staff recommends that prior to issuance of a building permit, a note be placed on the landscape plan stating that the soils shall be replaced as needed to support spruce trees. In addition, staff recommends that the landscaping be provided in compliance with the proposed landscape plans which exceed the minimum requirements of the Landscape Ordinance. In particular, a minimum of 672,350 landscape points must be provided on the Walmart Supercenter lot as proposed. In addition, a minimum of 15 planter islands must be provided. Bermed landscaping and evergreen trees with a minimum height of six feet must be provided along the northwest corner of the property as shown on the landscape plan. In addition, a minimum of 232,000 landscape points must be provided on the mini-anchor and retail shop lot in accordance with approved plans. A minimum of six planter islands must also be provided. In addition, landscaping must be provided along 5th Street in compliance with the proposed landscape plan. All landscaping must be irrigated and must comply with all requirements of the Landscape Ordinance.

Lighting: The applicant has submitted a Photometric Plan identifying that a portion of the parking lot lighting will reflect onto the sidewalk located within E. Stumer Road right-of-way. As such, the applicant has requested an Exception to allow the lighting to reflect outside the boundaries of the property. Since the lighting will enhance visibility along the sidewalk and does not reflect onto the adjacent lanes of traffic, staff recommends that the Exception request be granted. In addition, staff recommends that the balance of the lighting be designed to reflect light within the property boundaries, so as not to reflect or shine onto adjoining properties and rights-of-way and so as to not be a hazard to the passing motorist or constitute a nuisance of any kind.

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Fencing: As previously noted, the applicant has submitted a Fence Height Exception request to allow a 10 foot high fence in lieu of an 8 foot high fence to enclose a pallet storage area located west of the proposed "Walmart Supercenter" building. The fence along the east side of the enclosed storage area will consist of a 10 foot high black metal fence with sliding gates. The fence along the west side of the enclosed storage area will consist of Red Bryan precast non-transparent panels.

On September 7, 2010, the City Council approved a Fence Height Exception (File #10FV011) to allow 10 foot to 16 foot high fence(s) on the property to enclose the garden center along the southern portion of the proposed building, the environmental cage and pallet storage areas on the west side of the proposed building and the compressor house on the north side of the proposed building. The applicant has indicated that the pallet storage area located on the west side of the proposed building is being expanded by 30 feet in length and, as such, has submitted this Fence Height Exception application to allow the area to be screened with a 10 foot high fence. The proposed fence matches the fence elevation previously approved to screen the pallet storage area.

Staff recommends that prior to issuance of a building permit, a Fence Height Exception be obtained to allow the proposed 10 foot high fence in lieu of an 8 foot high fence or the fence elevation must be revised to show a maximum 8 foot high fence or the fence must be constructed in accordance with the previously approved Fence Height Exception. In addition, a Minimal Amendment to the Planned Commercial Development must be obtained to allow the revised fence elevation if the Fence Height Exception is not obtained. The balance of the proposed fencing must be provided in accordance with the design and plans submitted.

Drainage: As a part of Phase One of the development, the existing detention facility will be expanded in the northern portion of proposed Lot 3 as it abuts 5th Street. The existing detention facility accommodates regional drainage flows. The expanded facility will accommodate the regional drainage as well as the additional drainage flows and storm water management control associated with the proposed on-site improvements. An Exception has previously been granted to allow the detention facility to be constructed with a 3:1 slope in lieu of a maximum 4:1 slope with the condition that the applicant enter into a Covenant Agreement to provide maintenance of the detention facility. The City Attorney's Office is drafting the Covenant Agreement for the applicant's signature.

Staff recommends that prior to issuance of a building permit, a Covenant Agreement be executed to provide the maintenance of the stormwater management facility to be located on proposed Lot 3.

Traffic Improvements: During the review of the Initial Planned Commercial Development application, staff and the developer's representative met with neighborhood property owners to discuss various design options to address cut through traffic along Stumer Road and Enchantment Road. The Planning Commission and the City Council subsequently required the construction of Option G.

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The applicant has submitted construction plans showing the Option G improvements along Stumer Road. However, the raised “pork chop” island is identified as being constructed within Stumer Road right-of-way instead of outside of the right-of-way as shown on the approved plan. Staff recommends that prior to issuance of a building permit, the construction plans be revised to show the proposed raised “pork chop” island **or alternative traffic control as approved by the City Engineer** located outside of Stumer Road right-of-way. In addition, prior to issuance of a Certificate of Occupancy, the proposed bollard barrier(s) within the westbound lane west of the approach into the Eagle Ridge Apartments and bollard barrier(s) within the eastbound lane of Stumer Road directly east of the intersection of Stumer Road and Enchantment Road must be constructed as per the approved construction plans. Regulatory signs designed in accordance with the Manual on Uniform Traffic Control Devices must be posted at both ends of Stumer Road. In addition, the raised “pork chop” island **or alternative traffic control as approved by the City Engineer** must be constructed within the Eagle Ridge Apartment approach along Stumer Road, outside of the street right-of-way, to preclude left turns from the Eagle Ridge Apartment property onto Stumer Road.

The applicant has submitted a revised Traffic Impact Study, dated October 2010, identifying the improvements required for Phase One and Phase Two of the development. Staff recommends that prior to issuance of a Certificate of Occupancy, the following street improvements be completed pursuant to the Traffic Impact Study or surety must be posted for the improvements:

- Signalize the intersection of Catron Boulevard and Black Hills Boulevard;
- Signalize the intersection of 5th Street and Stumer Road;
- Coordinate the two proposed traffic signals with the existing traffic signal at Catron Boulevard and 5th Street with a hard wire interconnect;
- Construct dual eastbound left-turn lanes on Stumer Road at 5th Street;
- Construct a separate southbound right-turn lane on 5th Street at Stumer Road;
- Construct dual southbound left-turn lanes on 5th Street at Catron Boulevard;
- Construct a separate westbound right-turn lane on Stumer Road at the main Walmart drive; and,
- Construct a separate westbound right-turn lane at the east driveway on Stumer Road servicing the retail shops.

The Traffic Impact Study also states that the westbound right-turn lane on Catron Boulevard at Black Hills Boulevard would not be warranted as a part of Phase One or Phase Two but, rather, when approximately 150,000 square feet of additional building space is constructed on the Outlots beyond Phase One and Two. In addition, the Traffic Impact Study states that the anticipated use of Outlot 10 as a hotel does not warrant a separate northbound right-turn lane into Outlot 10 at this time. However, should Outlot 10 be developed with a more intense traffic generator, a review of the right-turn warrants for the access drive should be re-evaluated. Even though these improvements are not needed as a part of Phase One or Phase Two of the Development, staff recommends that prior to issuance of Certificate of Occupancy, the applicant enter into a Covenant Agreement with the City to secure the timing of the following improvements pursuant to the Traffic Impact Study as follows:

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- Construction of a separate westbound right turn lane on Catron Boulevard at Black Hills Boulevard; and,
- Construction of a separate northbound right turn lane on Black Hills Boulevard at Outlot 10.

Signage: The applicant has submitted a sign package for the Walmart Supercenter building that identifies the following wall signs:

Front (East) Elevation:

- A 2.5 foot high by 22 foot 8 inch wide wall sign stating "Outdoor Living";
- A 2.5 foot high by 21 foot 9 inch wide wall sign stating "Home & Living";
- An 8 foot high by 37 foot wide channel lit wall sign stating "Walmart" with a yellow star;
- A 2.5 foot high by 29 foot 8.5 inch wide wall sign stating "Markey & Pharmacy";
- A 1 foot high by 2 foot 3 inch wide wall sign stating "Exit";
- A 1.5 foot high by 19 foot 3 inch wide wall sign stating "Pharmacy Drive Thru";

Rear (West) Elevation:

- Two 1 foot high by 2 foot 11 inch wide wall signs stating "Lube"; and,

Side (South) Elevation:

- A 2 foot high by 13 foot 7 inch wide wall sign stating "Tire & Lube".

All signs are non-illuminated letter signs except for the "Walmart" and "Star" signs which are internally illuminated channel letter signs.

The applicant has also submitted a sign package for the shopping center structure which includes the following wall signs:

Front (South) Elevation:

- 7-4 foot 4 inch high by 16 foot wide wall signs
- 7-4 foot 4 inch high by 12 foot wide wall signs

Side (East) Elevation:

- 2-4 foot 2 inch high by 12 foot wide wall signs
- 1-8 foot 4 inch high by 24 foot wide wall sign

Rear (North) Elevation:

- 7-4 foot 4 inch high by 16 foot wide wall signs
- 7-4 foot 4 inch high by 12 foot wide wall signs

The proposed signage is in compliance with the City's Sign Code Ordinance.

On December 13, 2010, a Development Complex Boundary was approved as requested by the applicant to allow Joint Identification Signs to be used as signage for the proposed development. The applicant has subsequently submitted a site plan showing the future construction of three Joint Identification Signs. Please note that these signs are located

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outside the boundary of this Final Planned Commercial Development and will require submission through the appropriate review process.

Street Lights: On September 7, 2010, the City Council approved a request from THF Realty to install and maintain decorative street lighting on Stumer Road from 5th Street to Black Hills Boulevard. To date, a Covenant Agreement has not been secured to insure maintenance of the decorative street lighting. As such, staff recommends that prior issuance of a building permit, the construction plans be revised to include a note stating that "the design of the street lights shall comply with City Design Standards or the applicant shall enter into a Covenant Agreement with the City securing maintenance of the proposed decorative street lights along E. Stumer Road from 5th Street to Black Hills Boulevard. If an alternate street light design is utilized, then prior to issuance of a Permit to Work in the Right-of-way, a Covenant Agreement shall be recorded at the Register of Deed's Office and copies of the recorded documents shall be submitted to the City".

Traffic Signals: The applicant is proposing to paint the traffic signal poles and components black in lieu of galvanized silver as per City and State Design requirements. Since this is an alternate design, the applicant must provide maintenance for the paint on the traffic signal poles and components.

Staff recommends that prior to issuance of a building permit, the construction plans be revised to include a note stating that "the color of the traffic signal poles and components shall be pursuant to City and State Design Requirements. If an alternate color is utilized, then prior to issuance of a Permit to Work in the Right-of-way, the applicant shall enter into a Covenant Agreement with the City and the South Dakota Department of Transportation securing maintenance of the paint on the traffic signal poles and components to be located at the intersections of 5th Street and Stumer Road, 5th Street and Catron Boulevard and Black Hills Boulevard and Catron Boulevard. In addition, the Covenant Agreement shall be recorded at the Register of Deed's Office and copies of the recorded documents shall be submitted to the City".

Notification Requirement: The receipts from the required mailings have been submitted to the Growth Management Department. In addition, the signs have been posted on the property. As of this writing, staff has received three telephone calls of inquiry regarding this application.