

STAFF REPORT
February 23, 2012

No. 12PD004 - Major Amendment to a Commercial Development Plan **ITEM 7**

GENERAL INFORMATION:

APPLICANT	Ray Lipsey
AGENT	Ron Bengs for Advanced Engineering
PROPERTY OWNER	Dacotah Medical Properties - Ray Lipsey
REQUEST	No. 12PD004 - Major Amendment to a Commercial Development Plan
EXISTING LEGAL DESCRIPTION	Lot A2R of Block 2 of Fox Run Subdivision located in the NE1/4 NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.505 acres
LOCATION	3625 5th Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	Medium Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	1/27/2012
REVIEWED BY	Fletcher Lacock / Brandon Quiet

RECOMMENDATION:

Staff recommends that the Major Amendment to a Commercial Development Plan be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a revised site plan addressing redline comments;
2. Prior to Planning Commission approval, the applicant shall obtain an exception to allow the driveway approach on Fox Run Drive that does not align with the opposite driveway or revise the plans to comply with Section 8.2.4 of the Street Design Criteria Manual;

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3. The proposed fencing and guard rails shall be consistent with the plans as submitted with the application;
4. A building permit shall be obtained prior to any construction;
5. Prior to issuance of a building permit, structural design plans for the retaining walls shall be submitted for review and approval;
6. Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for review and approval;
7. Prior to issuance of a building permit, pond details including overflow, grading and rip-rap shall be submitted for review and approval;
8. Prior to issuance of a building permit, the applicant shall provide the design grade of the driveway for review and approval;
9. A Right-of-Way Permit shall be obtained to work in the right-of-way;
10. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment;
11. A minimum of 67 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
12. A minimum of 57,204 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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;
14. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
15. All applicable provisions of the adopted International Fire Code shall continually be met; and,
16. The Major Amendment to the Planned Commercial Development shall allow for the expansion of the parking lot. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to expand the parking lot and construct a driveway on Fox Run Drive. The businesses located on this property include Q Laser and the Rapid City Veterans Affairs Clinic. The applicant has stated that the businesses located on the property experience congestion and a shortage of parking during peak periods of operation. The applicant has indicated that the additional parking will be for staff allowing parking closer to the structure to be used by

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patients.

On January 21, 1985, a Planned Residential Development to allow townhomes (File #PD589) was approved by City Council with stipulations.

On July 6, 1992, a Major Amendment to a Planned Residential Development to revise the approved street plan (File #PD1096) was approved by City Council with stipulations.

On December 6, 1993, a Planned Commercial Development to allow two 14,000 square foot medical office buildings (File #PD1243) was approved by City Council with stipulations.

On December 20, 1993, a Rezone request from Medium Density Residential District to Office Commercial District (File #RZ1244) was approved by City Council in conjunction with an associated Planned Commercial Development (File #PD1243).

On May 20, 1996, a Major Amendment to a Planned Unit Development to allow for an additional Office Building (File #PD1488) was approved by City Council with stipulations.

On August 5, 1996, a Minor Amendment to a Planned Commercial Development to remove the screening fence requirement (File #PD1527) was approved by City Council.

On April 7, 1997, a Minor Amendment to a Planned Commercial Development to add a parking lot and to reduce the setback for the parking lot from 15 feet to 1 foot 5 inches (File #UR1575) was approved by City Council with stipulations.

On June 16, 1997, a Minor Amendment to a Planned Commercial Development to allow the addition of approximately 1,000 square feet of enclosed building area (File #PD1597) was approved by City Council with stipulations.

On November 3, 1997, a Preliminary and Final Plat (File #PL2410) was approved by City Council creating the above legally described property.

On January 27, 2012, the applicant submitted a request for a Vacation of Utility and Minor Drainage Easement (File #12VE002). Public Works approved the request on February 14, 2012. The City Council hears the request on February 21, 2012.

The property is located northwest of the intersection of 5th Street and Fox Run Drive. There is a two story commercial building, including the Veterans Affairs Clinic and Q Laser, located on the property.

STAFF REVIEW:

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

Site Plan: Staff has identified issues with the site plan as submitted by the applicant. At the northern end of the proposed parking lot, the aisle width is 17.5 feet. The required aisle width is 26 feet for 90 degree parking stalls. Three parking stalls do not have adequate aisle

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space to maneuver. Prior to Planning Commission approval, the applicant must submit a revised site plan addressing redline comments. In addition, the proposed driveway on Fox Run Drive does not align with a driveway on the opposite side of the road. In a previous Major Amendment to a Planned Commercial Development (File #PD1575) a stipulation of approval was that no access be taken from Fox Run Drive. The applicant is now proposing a driveway along Fox Run Drive which will serve as a secondary access point and not the primary access to the property. Staff has reviewed the proposed secondary access and has identified an issue with the alignment. As such, prior to Planning Commission approval, the applicant must request an exception to allow the driveway approach on Fox Run Drive that does not align with the opposite driveway or revise the plans to comply with Section 8.2.4 of the Street Design Criteria Manual.

Engineering: The applicant is proposing on-site stormwater retention. Pond details including overflow, grading and rip-rap must be submitted for review and approval prior to issuance of a building permit. In addition, an erosion and sediment control plan must be submitted for review and approval prior to issuance of a building permit. For construction work that uses the right-of-way, a Right-of-Way Permit must be obtained. Prior to issuance of a building permit, the applicant must provide the design grade of the driveway on Fox Run Drive for review and approval to ensure that the driveway meets City design standards.

Parking: The proposed parking lot will increase the total on-site parking to 101 parking stalls with five stalls handicap accessible and one stall van accessible. The parking is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. The existing uses on the property require that a minimum of 67 parking spaces must be provided. In addition, three of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: The landscaping plan submitted by the applicant proposes a total of 69,477 landscaping points. Three landscaping islands are required and are shown on the landscape plan. A minimum of 57,204 landscaping points must be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Fencing: The applicant has submitted a site plan that includes retaining walls with fencing or guard rails along the top. The proposed fencing will provide screening to the properties to the west. The guard rails will be on the east side retaining walls. The proposed fencing is 6 feet in height and constructed of dog-eared treated fence board. The proposed fencing and guard rails must be consistent with the elevations as submitted with the application. In addition, prior to issuance of a building permit, structural design plans for the retaining walls must be submitted for review and approval.

Lighting: The applicant is proposing lighting in the new parking lot area. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

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Signage: The applicant has submitted a sign package showing the existing signage on the property. The existing signage advertises the Veterans Affairs Clinic and Q Laser and is in compliance with Chapter 15.28 of the Rapid City Municipal Code. The applicant is not proposing additional signage with this application. All signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to a Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Planned Commercial Development. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Notification: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the February 23, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, staff has received three enquiries into the proposed development.