

STAFF REPORT

March 25, 2004

No. 04PD008 - Planned Commercial Development - Initial and Final Development Plan **ITEM 24**

GENERAL INFORMATION:

PETITIONER	Lund Associates, LTD., for EOS Properties, LLC
REQUEST	No. 04PD008 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots 5 and 6 and the S1/2 of Lot 4R less Greenway Tract #11, Laws Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.408 acres
LOCATION	600 Dakota Drive
EXISTING ZONING	Office Commercial District w/Planned Development Designation
SURROUNDING ZONING	
North:	General Commercial District
South:	Flood Hazard District
East:	General Commercial District/Flood Hazard District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/24/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

1. Prior to issuance of a Building Permit, a revised site plan must be submitted showing the building being either a minimum of 10 feet from the north and east property lines, or the windows located in the north and east walls of the building fire rated at 45 minutes, or documentation of a no build easement on the adjacent properties along the north and east property lines in compliance with the Uniform Building Code;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
3. A minimum of 12,795 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

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4. Prior to issuance of a Building Permit, calculations for the retaining wall must be provided including the effects of the existing retaining wall on the adjacent McDonald's property;
5. All signs located on the property must be in accordance with those shown in the sign package;
6. Prior to the construction of any signs on the property, a Sign Permit must be obtained;
7. Prior to the construction of any signs on the property, an Electrical Permit must be obtained;
8. Prior to issuance of a Building Permit, the site plan must be revised to show no grading on City's property, or the applicant must enter into an agreement with the City of Rapid City to grade on City Property;
9. Prior to issuance of a Building Permit, the applicant must verify storm water discharge across the bike path located to the east of the subject property;
10. Prior to issuance of a Building Permit, the applicant must take measures to prevent the discharge of local storm water directly on the adjacent City Property located to the east of the subject property;
11. All Uniform Fire Codes shall be continually met;
12. The private driveway shall be posted with a "No Parking" sign at all times;
13. A Special Exception is hereby granted to reduce the driveway separation from the required 35 feet to 10 feet as per the Street Design Criteria Manual;
14. A Special Exception is hereby granted to allow backing into the right-of-way in lieu of entering the right-of-way in a forward movement as per the Zoning Ordinance;
15. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
16. A minimum rear yard setback of zero feet along the southern 85 feet of the rear lot line shall be allowed;
17. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
18. 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.

GENERAL COMMENTS: The applicant is requesting approval of an Initial and Final Planned Commercial Development to allow for an orthodontic clinic to be located on the above legally described property. The property is an approximate 17,782 square feet parcel and is currently void of any structural development. The applicant is proposing to construct a two story, single tenant structure approximately 10,372 square feet in size. The property is located to the east of Dakota Drive south of McDonald's. The Planning Commission approved a Planned Development Designation for the property on July 10, 2000.

STAFF REVIEW: During the review of the Initial and Final Planned Commercial Development, Staff identified the following considerations:

Setbacks: The Office Commercial Zoning District requires a minimum 25 foot front, side, and rear yard setbacks; however, there is an exception when the side or rear lot lines abut a commercial district. In such case, the setback from the side or rear lot lines shall be the

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same as that of the district abutting it. The subject property abuts a General Commercial Zoning District along the north side lot line and along the northern 40 feet of the rear lot line which would reduce the required setback from those lot lines to zero. The applicant is requesting a reduced rear yard setback from 25 feet to six feet four inches, along the southern 85 feet of the rear lot line along that portion of the rear lot line where the adjacent parcel is zoned Flood Hazard. Due to the floodway location in close proximity to this property boundary, structural development in the adjacent area is highly unlikely. For this reason staff supports the reduced rear yard setback request.

Building Location: The location of the proposed building is five feet from the north lot line and six feet four inches from the east property line. The building plans show window openings in both the north and east walls of the building. Staff noted that window openings in those walls must be a minimum of 10 feet from the property lines, or the windows installed must be fire rated at 45 minutes as per the Uniform Building Code. Staff also noted that a no build easement on the adjacent properties could be defined, which would allow the building to be constructed as proposed.

Parking: The applicant's floor plan identifies that the building will have 6,935 square feet of medical clinic area. The floor plan also identifies that the building will have 2,862 square feet of storage area located in the basement. The uses will require that a minimum of 29 off-street parking stalls be provided with two being handicapped accessible and one of those being a handicapped van accessible parking stall. The proposed site plan shows 29 off-street parking stalls provided with two being handicapped accessible and one of those being handicapped van accessible, meeting the minimum off-street parking requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: A minimum of 12,795 landscaping points are required for the proposed development. The applicant's site plan shows 16,580 landscaping points provided with approximately 14,000 of those points located within 20 feet of the parking lot. The landscape plan submitted meets the minimum landscaping points required by Section 17.50.300 of the Rapid City Municipal Code.

Retaining Wall: The applicant's site plan shows a retaining wall which creates an area well for the basement windows located on the east side of the building. Staff noted that structural calculations for the retaining wall must be provided including the effects of the existing retaining wall on the adjacent McDonald's property.

Lighting: The applicant's site plan shows two 25 feet high light poles located along the south property line to provide lighting for the parking lot. The site plan also indicates three additional wall lights to provide entrance and security lighting.

Signage: The applicant's site plan shows a five feet by seven feet illuminated ground sign to be located along Dakota Drive. The submitted sign package indicates two wall signs will be located on the south wall of the building and an additional wall sign will be located on the north wall of the building. Staff noted that a Sign Permit must be obtained prior to the

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construction of any sign on the property. Staff also noted that a separate Electrical Permit must be obtained for the signs.

Grading Drainage: The applicant's grading and drainage plan shows grading onto City property. Staff noted that the site plan must be revised to show no grading on the City's property, or the applicant must enter into an agreement with the City of Rapid City to grade on City property. The applicant has submitted an application for an 11-6-19 SDCL Review to allow grading and the installation of a silt fence on public property. (See companion file #04SR011.) Staff also noted that the applicant must verify storm water discharge across the bike path located to the east of the subject property. Staff noted that the installation of a pipe crossing the bike path might be needed to mitigate the possibility of water flow crossing the bike path. Staff also noted that the applicant must take measures to prevent the discharge of local storm water directly on the adjacent City property located to the east of the subject property.

Fire Safety: The applicants building plans indicate the building will be fully fire sprinkled and alarmed. Staff noted that because the building is fully fire sprinkled the required fire hydrants can be reduced to one. Staff noted that all required fire hydrants must be located and operational prior to building construction. Staff noted that if any portion of the structure is more than 150 feet from a public way providing water, than an on site hydrant must be provided. Staff also noted that if any medical gasses are to be stored or used on site, than the storage area must be in compliance with all Building and Fire Codes. Staff noted that the building address must be posted prior to or in conjunction with construction.

Access: The applicant's site plan show two access points to the property. The southernmost driveway will provide access to the parking lot. The northernmost driveway will provide access to a private garage located within the building. Section 17.50.270 (G.2) requires that a vehicle need not enter a public right-of-way backwards, except for one or two family dwelling units. The applicant has indicated that the doctors make approximately 90 trips a year traveling to their satellite offices. The garage will be used to store the vehicle used to make these trips. The approach will be located approximately 10 feet to the south of the approach for the McDonald's parking lot. Section 8.2.2 of the Street Design Criteria Manual states that low volume streets must have a driveway approach spacing minimum of 35 feet. Due to the limited use of the driveway, Staff is recommending that a Special Exception be granted to allow backing into the right-of-way and to reduce driveway separation from 35 feet to ten feet as per the Street Design Criteria Manual and the Zoning Ordinance. Staff noted that the private Doctors driveway must be posted with a "No Parking" sign to insure that adequate sight distances are provided at all times.

Building Permit: Staff noted that a Building Permit must be obtained prior initiation of construction, and that a Certificate of Occupancy must be obtained prior to occupying the building.

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Notification Requirement: As of this writing, receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met.

Staff recommends approval of the Initial and Final Planned Commercial Development with the above stated stipulations.