

STAFF REPORT
October 21, 2004

No. 04PD058 - Major Amendment to a Planned Commercial Development ITEM 18

GENERAL INFORMATION:

PETITIONER	Greg Wierenga, P.E., CETEC Engineering Services, Inc. for JR Investments, LLC
REQUEST	No. 04PD058 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Tract A Revised (less Lot H8), Tract C Revised and Tract D, Walpole Heights Subdivision, Lot AB and a parcel of land described by metes and bounds as beginning at the northeast corner of Tract C Revised, Walpole Heights Subdivision, located in the NE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 29, Page 131 at the office of the Pennington County Register of Deeds; thence N89°46'53"E a distance of 55.00 feet along an easterly extension of the south right-of-way line of Fairmont Boulevard; thence S00°14'07"E a distance of 335.43 feet; thence S89°46'53"W a distance of 79.48 feet; thence N16°55'29"E a distance of 83.90 feet; thence N00°14'07"W a distance of 132.53 feet; thence N00°25'26"W a distance of 96.65 feet; thence N00°25'23"W a distance of 26.09 feet to the point of beginning; the described parcel containing 0.445 acres, more or less and being a portion of Lot H-6 of the E1/2 SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota; said Lot H-6 being highway right-of-way; all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.672 acres
LOCATION	2707 Mt. Rushmore Road
EXISTING ZONING	General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	Office Commercial District w/Planned Commercial Development
South:	General Commercial District w/Planned Commercial Development
East:	General Commercial District
West:	Office Commercial District w/Planned Commercial

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	Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	09/23/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION:

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

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
2. Prior to initiation of construction, an Air Quality Permit shall be obtained;
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed fire hydrant in a location that meets the Fire Department's approval;
4. The structure shall be fully fire sprinkled and fully fire alarmed;
5. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting background;
6. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;
7. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the water service curb stop located within the public right-of-way or the applicant shall provide an access easement from Fairmont Boulevard to the water service curb stop;
8. Prior to Planning Commission approval, a sanitary sewer line profile shall be submitted for review and approval;
9. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
10. Prior to Planning Commission approval, a revised landscaping plan shall be submitted, for review and approval, showing the entire Planned Residential Development with a minimum of 372,316 landscaping points;
11. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;
12. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;
13. Prior to issuance of a Building Permit, the applicant shall enter into an agreement with the City of Rapid City regarding participation in the costs of the intersection improvements;
14. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;
15. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
16. The Major Amendment to 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.

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GENERAL COMMENTS: The subject property is located north and south of Fairmont Boulevard along the west side of Mount Rushmore Road. Currently, a jewelry manufacturing and retail outlet store, two storage units and a hotel are located on the subject property.

A Planned Commercial Development to allow jewelry manufacturing as a Use on Review in the General Commercial Zoning District was approved for this property in 1987. A Minor Amendment to allow the construction of a storage building was approved in 1993. A Major Amendment to allow an office addition, an additional storage building and an expansion of the parking area was approved in 1994. A Minor Amendment was approved in 1995 to reduce the front yard setback from 25 feet to 15 feet and to reduce the west side yard setback from 25 feet to 15 feet for the storage building previously approved in 1994. In 2000, the City Council approved a Major Amendment to the Planned Commercial Development to construct a 12,256 squared foot addition onto the existing jewelry manufacturing facility. In 2001, a Major Amendment to the Planned Commercial Development was approved to allow the construction of an 82 room hotel on the south side of Fairmont Boulevard.

The applicant is now proposing to construct a 5,662 square foot restaurant on the south side of Fairmont Boulevard. The applicant is now requesting approval of a Major Amendment to a Planned Residential Development to allow the construction of a 5,662 square foot restaurant on the subject property.

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

Building Permit: Staff noted that a Building Permit must be obtained prior to any construction of the structure and a Certificate of Occupancy must be obtained prior to occupancy.

Air Quality: Staff noted that more than one acre of land is proposed to be disturbed. As such, an Air Quality Permit must be obtained prior to initiation of construction.

Fire Safety: Staff noted that the proposed structure will require the addition of one fire hydrant to the subject property. The submitted site plan shows the addition of one fire hydrant to the site. However, staff noted that the proposed fire hydrant must be relocated to a more readily accessible location for Fire Department use. Prior to Planning Commission approval, a revised site plan must be submitted showing the proposed fire hydrant in a location that meets the Fire Department's approval.

Staff noted that the International Fire Code requires the proposed restaurant to be fully fire sprinkled. Staff also noted that the proposed restaurant must have a fire detection and notification system throughout the facility.

Staff noted that the building address must be posted on the structure so it is plainly visible from the street. The address numbers must be a minimum of 12 inches in height and be of a contrasting color to their background.

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Right-of-Way Permit: The submitted site plan shows construction in the public right-of-way. Staff noted that a permit to work in the public right-of-way must be obtained prior to any construction within the public right-of-way.

Utilities: The applicant's site plan shows the water service curb stop located on private property, within a utility easement. However, no access is provided to the water service curb stop. Prior to issuance of a Building Permit, a revised site plan must be submitted showing the water service curb stop located within the public right-of-way or the applicant must provide an access easement from Fairmont Boulevard to the water service curb stop.

The applicant provided a plan for the sewer line profile, however, the actual drawing of the sewer line profile was not located on the plan. Prior to Planning Commission approval, a sanitary sewer line profile must be submitted for review and approval.

Parking: The number of parking spaces required for the subject property is identified as 318 with eight being handicapped accessible. Staff noted that the applicant's site plan shows 349 off street parking stalls. Fourteen stalls are handicapped accessible with four of those being "van accessible".

Landscaping: The number of landscaping points required for the subject property is identified as 372,316. The applicant has submitted a landscaping plan, however, the submitted plan only shows the additional landscaping to be provided for the proposed restaurant. Prior to Planning Commission approval, a revised landscaping plan must be submitted, for review and approval, showing the entire Planned Residential Development with a minimum of 372,316 landscaping points.

Signage: The subject property is permitted 4,000 square feet of on site signage. Currently, there is 3,100 square feet of signage provided on sight. The applicant's sign package identifies an additional 743 square feet of signage for the restaurant. The total square footage of signage proposed is 3,843 which is less than the 4,000 square feet maximum that is permitted by the Sign Code. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development.

Right-of-Way: Over the past year or so, the applicant, the South Dakota Department of Transportation and the Public Works Department staff have discussed right-of-way issues as well as intersection improvement issues. It is staff's understanding that there are three elements to the solution agreed to by the three parties. First, South Dakota Department of Transportation has granted the applicant an H Lot for excess US Highway 16 right-of-way located south of Fairmont Boulevard as it abuts the subject property. Second, the applicant has agreed to dedicate an H Lot at the intersection Fairmont Boulevard and Mount Rushmore Road for the future re-alignment of that intersection. (Staff is recommending that the H Lot be recorded with the Pennington County Register of Deeds prior to issuance of a Building Permit for the proposed structure.) Third, the applicant and the City have reached an agreement on the owner's participation in the costs of the intersection improvements. Staff is recommending that the applicant enter into a written agreement with the City prior to the issuance of a building permit for the restaurant.

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Staff recommends approval of the Major Amendment to a Planned Residential Development with the above stated stipulations.