

STAFF REPORT
December 9, 2004

No. 04PD073 - Planned Commercial Development - Initial and Final Development Plan **ITEM 49**

GENERAL INFORMATION:

PETITIONER	Geld, LLC
REQUEST	No. 04PD073 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northeast corner of Lot 1 of Block 1 of Geld Subdivision; thence S00°01'23"E, 48.48 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northwest corner of Lot 1 of Block 1 of Tires Plus Addition; thence S00°02'31"E, 260.00 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the southeast corner of Lot 1 of Block 1 of Geld Subdivision; thence N89°48'01"W, 154.19 feet to a point on the south lot line of Lot 1 of Block 1 of Geld Subdivision; thence N00°11'59"E, 307.26 feet to a point on the north lot line of Lot 1 of Block 1 of Geld Subdivision; thence N89°58'11"E, 302.89 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the northeast corner of Lot 1 of Block 1 of Geld Subdivision at the point of beginning; all located with NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	approximately 1.25 acres
LOCATION	Disk Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/12/2004
REVIEWED BY	Todd Tucker / David L. Johnson

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RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan 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 structures;
2. All plans submitted with the Building Permit application shall be prepared by a licensed professional architect or engineer as per South Dakota Codified Law 36-18;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. The uses allowed within the Planned Commercial Development shall be limited to a restaurant. Staff also noted that if alcohol is to be served in association with the full service restaurant, a Major Amendment to the Planned Commercial Development shall be obtained;
5. Prior to Planning Commission approval, a sign package shall be submitted showing the location and design of all on-site signage;
6. A Sign Permit shall be obtained prior to installation of any sign on the property. No off-premise advertising shall be allowed on the site;
7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;
8. Prior to Planning Commission approval, the site plan shall be revised to show the handicapped parking stalls located on the shortest accessible route of travel from adjacent parking to an accessible entrance;
9. An exception is hereby granted to allow the parking lot for the proposed development to be within one foot of the adjacent Low Density Residential zoned property to the north;
10. The parking plan shall continually comply with all other requirements of the Zoning Ordinance;
11. An exception is hereby granted to waive the requirement for the installation of an opaque ornamental screening fence along the north property line as it abuts the Low Density Residential Zoning District;
12. The proposed structure shall be fully fire sprinkled and alarmed as per the International Fire Code;
13. All applicable provisions of the International Fire Code shall be continually met;
14. Prior to issuance of a Building Permit, the applicant shall demonstrate that drainage facilities will be constructed that are adequate to convey runoff from the northwest corner of the subject property to the existing 50 foot wide major drainage easement located to the west of the subject property;
15. Prior to issuance of a Building Permit, the applicant shall provide evidence of appropriate easements if the proposed drainage facilities are not located within existing easements;
16. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
17. 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 subject property is located north of Disk Drive and west of Haines Avenue. The subject property is currently void of any structural development. On April 8, 2004 the Planning Commission approved a Rezoning request (04RZ013) and a

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Comprehensive Plan Amendment request (04CA015) to change the zoning designation of the subject property from Low Density Residential to General Commercial. The applicant is proposing to construct a 4,993 square foot restaurant on the subject property. The applicant did not indicate whether the proposed restaurant will serve alcohol or not. The adjacent property to the north is zoned Low Density Residential requiring the installation of a five to six foot high screening fence on the north property line. The Rapid City Municipal Code also requires the parking lot for the proposed structure to have a minimum separation from the adjacent residential property of 15 feet. The applicant is requesting approval of a Planned Commercial Development – Initial and Final Development Plan for the subject property.

STAFF REVIEW: Staff has reviewed the Planned Commercial Development – Initial and Final Development Plan and has noted the following considerations:

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.

Air Quality Permit: Staff noted that if the area of disturbance exceeds one acre, an Air Quality Permit must be obtained.

Design Features: The applicant's site plan shows a 4,993 square foot restaurant located on the subject property. The submitted elevation drawings show the proposed restaurant to have a maximum height of 27 feet.

Setbacks: The applicant's site plan show the proposed structure to be located a minimum of 87 feet from the front property line. The proposed structure is located 55 feet from the east property line and 29 feet from the west property line with a 136 foot rear yard setback. The proposed structural setbacks meet the minimum requirements of the Rapid City Municipal Code.

Lighting: The applicant's site plan shows exterior and parking lot lighting to be located on the exterior walls of the structure and within the parking lot.

Signage: The subject property is permitted 402 square feet of on-site signage. The submitted plans show a total of 123 square feet of wall signage and one proposed free standing ground sign. The applicant's landscape plans indicate that the locations for proposed signs are pending as per architect plans. Prior to Planning Commission approval, a sign package must be submitted showing the location and design of all on-site signage. Staff noted that no off-site signs shall be allowed. Staff also noted that a separate Sign Permit must be obtained prior to installation of any sign on the property.

Landscaping: The proposed Planned Commercial Development will require that 49,457 landscaping points be provided. The applicant's landscaping plan shows that 49,980 landscaping points are provided. The applicant's site plan shows numerous trees and shrubs installed along the perimeter of the parking providing a buffer to the surrounding properties.

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Parking Plan: The Rapid City Municipal Code requires that 55 off-street parking stalls be provided for the proposed development. The applicant's site plan shows a total of 69 off-street parking stalls with three being handicapped accessible and one of those being "van accessible". However, the handicapped parking stalls are not located on the shortest accessible route of travel from adjacent parking to an accessible entrance as required in Section 17.50.270 of the Rapid City Municipal Code. Prior to Planning Commission approval, the site plan must be revised to show the handicapped parking stalls located on the shortest accessible route of travel from the adjacent parking area to an accessible entrance.

As previously indicated the adjacent property to the north of the subject property is zoned Low Density Residential. The applicant's site plan shows the proposed parking lot located a minimum of one foot from the north property line. Section 17.50.270 requires that every parking area on a lot which abuts lot within a single-family residential district shall be set back a distance of not less than fifteen feet. The Low Density Residential property located to the north of the subject property is located within a Tax Increment District. As part of that Tax Increment District, a landscape buffer is required which would screen the residential properties located to the north from any commercial development. As such, staff recommends that an exception be granted to allow the parking lot for the proposed development, be located closer than 15 feet to the adjacent Low Density Residential property to the north.

Fencing: Section 17.18.080 of the Rapid City Municipal Code requires that an opaque ornamental screening fence not less than five nor more than six feet in height shall be constructed along the adjacent property lines when a General Commercial Zoning District is adjacent to a residential district. The subject property is located adjacent to the Low Density Residential Zoning District on the north. As previously indicated the Low Density Residential property located to the north of the subject property is located within a Tax Increment District. As part of that Tax Increment District, a landscape buffer is required which would screen the residential properties located to the north from any commercial development. The required landscaping has not been installed as of this date. The property located within the Tax Increment District has a major underground gas line located within it. Staff noted that no residential structures are permitted within this area. As such, staff recommends that an exception be granted to allow the applicant to not install the required opaque ornamental screening fence along the north property line as it abuts the Low Density Residential Zoning District.

Fire Safety: Staff noted that the number of hydrants, hydrant location, and access to and around the subject property appear to be adequate as shown on the submitted site plan. Staff also noted that the proposed structure must be fully fire sprinkled and fire alarmed as per the International Fire Code.

Drainage: The applicant's drainage plan shows runoff from the subject property onto the property to the north. Prior to issuance of a Building Permit, the applicant must demonstrate that drainage facilities will be constructed that are adequate to convey runoff from the northwest corner of the subject property to the existing 50 foot wide major drainage

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easement located to the west of the subject property. Staff also noted that the applicant must provide evidence of appropriate easements if the facilities are not located within existing easements.

Dumpster Locations: The applicant's site plan shows the proposed location of the dumpster to be on the north side of the proposed restaurant. The applicant submitted a detailed trash enclosure plan and elevation drawings that show the dumpster fully enclosed and adequately screened from the public. The proposed dumpster location is approximately 2,500 feet from the closest single family residences.

Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the December 9, 2004 Planning Commission meeting if these requirements have not been met.

Staff recommends approval of the Planned Commercial Development – Initial Development Plan with the above stated stipulations.