

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

GENERAL INFORMATION:

|                            |  |
|----------------------------|--|
| PETITIONER                 | Steve Hale for The Olive Garden  |
| REQUEST                    | <b>No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan</b>   |
| EXISTING LEGAL DESCRIPTION | Lots 12 and 13 of the Rushmore Mall Addition in portions of Lot 1 of Tract A of the Control Data Addition and Tract D in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 1.254 Acres  |
| LOCATION                   | 160 Disk Road  |
| EXISTING ZONING            | Shopping Center - 2 District   |
| SURROUNDING ZONING         |  |
| North:                     | Shopping Center - 2 District (Planned Commercial Development)  |
| South:                     | General Commercial District  |
| East:                      | Shopping Center - 2 District (Planned Commercial Development)  |
| West:                      | Shopping Center - 2 District (Planned Commercial Development)  |
| PUBLIC UTILITIES           | City water and sewer   |
| DATE OF APPLICATION        | 3/9/2005   |
| REVIEWED BY                | Todd Tucker / Michelle Horkey  |

RECOMMENDATION:

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

1. The use allowed within the Planned Commercial Development shall be limited to a restaurant;
2. Prior to any demolition on the property, the applicant shall obtain a Demolition Permit;
3. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;
4. An Air Quality Permit shall be obtained as the area of disturbance exceeds one acre;
5. **A front yard setback of 20 feet shall be provided for any structures located on site;**
6. **A rear yard setback of 15 feet shall be provided for the main structure located on site;**
7. **A rear yard setback of 11 feet shall be provided for the dumpster screening wall;**

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

9. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;
10. No off-premise, flashing or electronic motion signs shall be permitted for the proposed Planned Commercial Development;
11. **Prior to Planning Commission approval, the landscaping plan shall be revised to show the six large scotch pine trees located south of the parking lot moved into the Disk Drive right-of-way and located a minimum of five feet from the existing sewer line in the right-of-way;**
12. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
13. An exception is hereby granted to allow the parking lot to be located within the required 25 foot front yard setback;
14. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
15. The southern driveway approach from Disk Drive shall be constructed in accordance with the standard detail 60-4 of the Standard Specs for Public Works Construction, 2004 edition;
16. Sidewalks shall be installed along Disk Drive as it abuts the subject property in compliance with the Street Design Criteria Manual;
17. The proposed structure shall be fully fire sprinklered and fire alarmed as per the International Fire Code;
18. All applicable provisions of the International Fire Code shall be continually met;
19. The existing water and wastewater service lines, providing service to the existing structure, shall be abandoned when the existing structure is removed. The line abandonment must be coordinated with the City Utility Maintenance Department;
20. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
21. 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: (This Staff Report was revised on April 13, 2005. All revised and/or added text is shown in bold text.) This item was continued at the April 7, 2005 Planning Commission meeting as the stipulations of approval had not been met.**

The subject property is located on the north side of Disk Drive between North Haines Avenue and North Maple Avenue. The subject property currently has a vacant restaurant located on it. The applicant is proposing to remove the existing structure and construct a new 7,685 square foot restaurant on the subject property. The applicant is requesting approval of a Planned Commercial Development – Initial and Final Development plan to allow the construction of a restaurant on the subject property.

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

**Demolition Permit:** As previously indicated, the applicant is proposing to remove the existing structure located on the subject property. Prior to any demolition on the property, the

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

applicant must obtain a Demolition Permit.

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

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

Design Features: The submitted site plan identifies that a 7,685 square foot structure is proposed to be constructed on the east portion of the subject property. The submitted building elevation drawings show that the proposed structure will be 22.5 feet in height. The exterior of the proposed structure will be a simulated stone veneer with wood facia and concrete tile roofing. The proposed building is in compliance with all applicable provisions of the Rapid City Municipal Code.

Setbacks: The applicant's site plan shows the proposed structure setback 25 feet from the front property line as it abuts Disk Drive. The proposed structure will be setback from the west side property line 266 feet and 28 feet four inches from the east side property line. The applicant has requested that the rear yard setback be reduced from the required 30 feet to 10 feet. Due to the fact that the rear of the subject property is adjacent to the parking lot of the Rushmore Mall and the proposed encroachment into the setback will not interfere with the required sight triangle, staff supports the reduced rear yard setback. However, the applicant's site plan indicated that a wooden trellis on the north side of the proposed structure will be setback from the rear property line five feet. Staff recommends that the site plan be revised to show the trellis located a minimum of 10 feet from the rear property line or be removed from the plan. Staff also noted that the eight foot high dumpster screening wall is located six feet from the rear property line. Staff recommends that the site plan be revised to show the dumpster screening wall being setback a minimum of 10 feet from the rear property line.

**On April 12, 2005, the applicant submitted a revised site plan showing the proposed structure located 20 feet from the front property line along Disk Drive. Section 17.32.040 of the Rapid City Municipal Code requires that a minimum 25 foot front yard setback be provided for all structures in the Community Shopping Center District. Due to the fact that the location of the proposed structure will not interfere with any sight triangles and the landscaping plan shows numerous trees and shrubs located on the south side of the structure, staff supports the reduced front yard setback.**

**The initial site plan submitted showed the proposed structure to be setback from the rear property line 10 feet. The revised site plan shows the proposed structure setback from the rear property line 15 feet. Due to the fact that the rear of the subject property is adjacent to the parking lot of the Rushmore Mall and the proposed encroachment into the setback will not interfere with the required sight triangle, staff supports the reduced rear yard setback.**

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

**The revised site plan shows the eight foot high dumpster enclosure wall located 11 feet from the rear yard setback. Due to the fact that the dumpster screening wall will not interfere with any sight triangles and will screen the dumpsters from the Rushmore Mall parking lot, staff supports the reduced rear yard setback.**

**Staff also noted that the trellis on the north side of the proposed structure on the initial site plan submitted has been removed on the revised site plan.**

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. All site lighting will need to be directed away from the adjacent rights-of-way and residential zoned properties.

Signage: The applicant's site plan shows a 112 square foot ground sign located at the southeast corner of the property along Disk Drive. The submitted sign package shows numerous wall signs to be located on the exterior of the proposed structure. The total square footage of signage allowed for the subject property is 780 square feet. The submitted sign package indicates 230 square feet of wall signage will be provided on the proposed structure. The total signage proposed for the subject property is 342 square feet which is less than the 780 allowed by the Sign Code. Staff recommends that no off-premise, flashing or electronic motion signs be permitted.

Landscaping: Section 17.32.080 of the Rapid City Municipal Code requires that any part of the shopping center site not used for buildings or other structures, parking, loading, access ways or pedestrian walks shall be landscaped with grass, trees or shrubs. The applicant's landscape plan shows that all areas of the property not used for buildings, parking, loading, access or walkways are landscaped with grass, trees and shrubs. The site plan shows that 11 small trees, three medium trees and 170 shrubs are located between the parking lot and disk drive. However, staff has concerns about the small trees providing adequate buffering from the parking lot. As such, staff recommends that the site plan be revised to show the 11 small trees proposed along the north side of Disk Drive replaced with large evergreen trees to act as a year round buffer between the parking lot and Disk Drive.

**On April 12, 2005, the applicant submitted a revised landscaping plan showing the 11 small trees proposed along the north side of Disk Drive replaced with 11 large scotch pine trees. However, the location of six trees is in conflict with the location of the proposed sidewalk on the north side of Disk Drive. As such, a revised site plan must be submitted showing the six large scotch pine trees located along the south side of the parking lot moved into the Disk Drive right-of-way and located a minimum of five feet from the existing sewer line in the right-of-way.**

Parking Plan: The Rapid City Municipal Code requires that 85 off-street parking stalls be provided for the proposed development. The applicant's site plan shows a total of 87 off-street parking stalls with four being handicapped accessible and one of those being a "van accessible" stall. Section 17.32.040 of the Rapid City Municipal Code requires that all parking areas be setback a minimum of 25 feet from the street line. The applicant's site plan shows that 23 parking stalls are located within the required 25 foot front yard setback.

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

The requirement limiting parking within the front yard setback is to encourage additional landscaping to act as a buffer between parking area and the public right-of-way and to encourage additional landscaping near the parking lot. As previously indicated, the applicant's landscape plan shows increased landscaping between the parking lot and Disk Drive. The landscaping plan shows 11 small trees, three medium trees and 170 shrubs located on the south and west side of the parking lot between the parking lot and Disk Drive. Due to the increased landscaping shown between the parking lot and Disk Drive, staff supports allowing the parking lot to extend into the required 25 foot front yard setback.

Access: Staff noted that the southern driveway approach from Disk Drive must be constructed in accordance with the standard detail 60-4 of the Standard Specs for Public Works Construction, 2004 edition. Staff also noted that sidewalks must be installed along Disk Drive as it abuts the subject property as per Section 16.16.090 of the Rapid City Municipal Code. Staff also has concerns that the loading area on the north side of the proposed structure is not adequate to accommodate delivery trucks. Prior to Planning Commission approval, the applicant must demonstrate that the loading area on the north side of the proposed structure will accommodate loading trucks and not block the circulation road serving the Rushmore Mall parking lot.

**On April 12, 2005, the applicant submitted a revised site plan with the proposed structure moved five feet to the south. The relocation of the proposed structure allows more room in the loading area. The additional room will allow for a delivery truck to park and unload goods and not impede the traffic flow of the access road within the Rushmore Mall parking lot.**

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 sprinklered and fire alarmed as per the International Fire Code.

Utilities: Staff noted that the existing water and wastewater service lines providing service to the existing structure must be abandoned when the existing structure is removed. The line abandonment must be coordinated with the City Utility Maintenance Department.

**On April 12, 2005, the applicant submitted a revised site plan with a note indicating that the abandonment of the existing water and wastewater service lines will be coordinated with the City Utility Maintenance Department.**

Drainage: Staff noted that the drainage analysis submitted shows that the existing area differs from the design area. Staff noted that the applicant must submit a revised drainage analysis that shows the existing area and the design area to match or provide documentation as to the discrepancy between the two areas. Staff also noted that the drainage analysis submitted was not stamped by a professional engineer. Prior to Planning Commission approval, the drainage analysis must be stamped by a professional engineer. Staff noted that the drainage plan must be revised to show the erosion control measures to be used on-site during construction and the direction of water flow throughout the site.

STAFF REPORT  
April 21, 2005

---

**No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 40**

---

**On April 12, 2005, the applicant submitted a revised drainage analysis showing that the existing area and the design area match. The revised site plan also shows the erosion control measures to be used on-site during construction and the direction of water flow throughout the site. Staff noted that all plans and calculations shall be stamped by a professional engineer.**

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 April 7, 2005 Planning Commission meeting if these requirements have not been met.

**Staff noted that the required sign has been posted on the property and the white receipts from the required mailings have been returned.**

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