

STAFF REPORT

April 6, 2006

No. 06PD013 - Planned Commercial Development - Initial Development Plan **ITEM 31**

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for FICACS, LLC
REQUEST	No. 06PD013 - Planned Commercial Development - Initial Development Plan
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .939 acres
LOCATION	1805 38th Street
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. Prior to submittal of a Final Commercial Development Plan application, the site plan shall be revised eliminating access from Canyon Lake Drive or an Exception shall be obtained to allow three approaches to the subject property and to allow access from a street which is not the lesser order street;
2. Prior to submittal of a Final Commercial Development Plan application, the site plan shall be revised to show an opaque ornamental screening fence not more than five feet or less than six feet in height located along the south and west lot lines, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38th Street. This portion of the fence shall not be more than four feet in height or a Fence Height Exception shall be obtained to allow a fence in excess of four feet in height to be located in the 25 foot front yard setback;
3. A building permit shall be obtained prior to any construction and a Certificate of

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- Occupancy shall be obtained prior to occupancy;
4. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised to provide seven stacking spaces for the drive-up window;
5. Upon submittal of a Final Commercial Development Plan application, geotechnical information including pavement design shall be submitted for review and approval;
6. Upon submittal of a Final Commercial Development Plan application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided. A fire hydrant site plan showing the location of fire hydrants located within 500 feet of the property shall also be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;
8. Upon submittal of a Final Commercial Development Plan application, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that storm water is being collected on site and routed to the existing public storm sewer system located in the 38th Street right-of-way in appropriately sized facilities;
9. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance;
10. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, shall be submitted for review and approval;
11. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to 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;
12. Upon submittal of a Final Commercial Development Plan application, a complete parking plan shall be submitted for review and approval. In particular, parking at a ratio of 11 parking spaces per 1,000 square feet gross floor area shall be provided for the proposed restaurant use within the building and for the outdoor seating area as shown on the site plan;
13. Upon submittal of a Final Commercial Development Plan application, structural elevations including a list of building materials and color palette for the proposed building shall be submitted for review and approval;
14. Upon submittal of a Final Commercial Development Plan application, an elevation of the proposed fencing and/or screening shall be submitted for review and approval;
15. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
16. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrant

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- shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
17. Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed by the property owner(s) or the property shall be platted into one lot;
 18. Upon submittal of a Final Commercial Development application, the site plan shall be revised to comply with the Canyon Lake Overlay Zoning District. In particular, a streetscape landscaping buffer of ten feet in the front yard setback shall be provided which includes a minimum of 10% of the required landscaping points. In addition, heating and cooling systems shall be screened. The screening may consist of shrubs, berms, fences or other appropriate materials;
 19. All provisions of the Neighborhood Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment; and,
 20. The proposed structure shall be used as an ice cream store unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment.

GENERAL COMMENTS:

The applicant has submitted an Initial Commercial Development Plan to allow an approximate 1,981 square foot ice cream store to be located on the subject property. In addition, the applicant has submitted a Vacation of Non-access Easement request to vacate a portion of a non-access easement located along Canyon Lake Drive. The applicant has also submitted an Exception request to allow three points of access in lieu of two points of access to the commercial lot and to allow access from Canyon Lake Drive, the higher order street. (See companion items #06VE004 and 06SE001.)

The property is located in the southeast corner of the intersection of Canyon Lake Drive and 38th Street and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Initial Commercial Development Plan and has noted the following considerations:

Zoning: The property is currently zoned Neighborhood Commercial District with a Planned Development Designation. The property is also located within the Canyon Lake Overlay Zoning District. As such, staff is recommending that upon submittal of a Final Commercial Development application, the site plan be revised to comply with the Canyon Lake Overlay Zoning District. In particular, a streetscape landscaping buffer of ten feet in the front yard setback must be provided which includes a minimum of 10% of the required landscaping points. In addition, heating and cooling systems must be screened. The screening may consist of shrubs, berms, fences or other appropriate materials.

Design Features: To date, elevations of the proposed structure have not been submitted for review and approval. Staff is recommending that upon submittal of a Final Commercial Development Plan, elevations be submitted for review and approval. In addition, a list of

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building materials and color palette must be submitted for review and approval.

Parking: The site plan identifies a 1,981 square foot building to be used as an ice cream store. In addition, the site plan identifies an area along the west side of the building as “outdoor seating”. Staff is recommending that upon submittal of a Final Commercial Development Plan application, a complete parking plan be submitted for review and approval. In particular, parking at a ratio of 11 parking spaces per 1,000 square feet gross floor area must be provided for the proposed restaurant use within the building and for the outdoor seating area as shown on the site plan.

The site plan also shows a drive-up window located along the south side of the building with three stacking lanes. However, the Parking Regulations requires seven stacking spaces. The applicant has requested an exception to reduce the required number of stacking spaces to three as proposed citing that the drive-up window hours of operation will be limited to 7 a.m. to 11 a.m. In addition, the applicant indicated that the drive thru lane will be gated to prevent customers from using the window during all other hours of operation. In particular, the applicant has indicated that the drive thru window will be primarily used for coffee drinking customers during the morning hours. Staff has noted that the traffic generated from the coffee drinking customers continues to warrant supplying the seven stacking lanes. In addition, limiting the hours of operation does not reduce the parking requirement for a drive-up window. Staff has also noted that it becomes problematic to monitor gating the drive thru lane as proposed. Staff has noted that moving the drive up window to the east side of the building and eliminating the approach onto Canyon Lake Drive allows for sufficient area on the property to provide seven stacking lanes. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application; the site plan be revised to provide seven stacking spaces for the drive-up window.

Exceptions: The site plan shows three approaches to the subject property. Two of the approaches are located along 38th Street and the third approach is located along Canyon Lake Drive. The Street Design Criteria Manual states that a commercial lot may have two approaches. In addition, the Street Design Criteria Manual states that access must be taken from the lesser order street. Canyon Lake Drive is identified as a minor arterial street and 38th Street is classified as a commercial street requiring that access be taken from 38th Street. As noted above, the applicant has submitted an Exception request to allow the three approaches and to allow access from Canyon Lake Drive, the higher order street. Staff is recommending that prior to submittal of a Final Commercial Development Plan application, the site plan be revised eliminating access from Canyon Lake Drive or an Exception be obtained to allow three approaches to the subject property and to allow access from a street which is not the lesser order street.

Screening Fence: The properties located south and west of the subject property are currently zoned Medium Density Residential District requiring that an opaque ornamental screening fence not less than five nor more than six feet in height be constructed along these lot lines. As such, staff is recommending that prior to submittal of a Final Commercial Development Plan application, the site plan be revised to show an opaque ornamental screening fence not more than five feet or less than six feet in height located along the south and west lot

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lines, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38th Street. This portion of the fence may not be more than four feet in height or a Fence Height Exception must be obtained to allow a fence in excess of four feet in height to be located in the 25 foot front yard setback.

The site plan shows a screened dumpster area located in the southwest corner of the property. In addition, the site plan shows a screen proposed along the east side of the building. Staff is recommending that upon submittal of a Final Commercial Development Plan, elevations for the screening fence(s) be submitted for review and approval.

Landscaping Plan: To date, a landscaping plan has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application, a complete landscaping plan be submitted for review and approval identifying specific plant material. In particular, the landscaping plan must comply with all requirements of the Zoning Ordinance.

Lighting Plan: The site plan identifies lighting within the parking area. However, to date the design of the proposed lighting has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting be submitted for review and approval. In addition, the lighting must be designed to be reflected within the property boundaries so as not to 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.

Sign Package: To date, a sign package has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, be submitted for review and approval.

Developmental Lot/Platting: The site plan identifies the proposed development on two separate lots. In particular, the structure is shown on Lot 2 and parking is shown on Lot 1. Staff is recommending that prior to issuance of a building permit, a Developmental Lot Agreement be signed by the property owner(s) or the property be platted into one lot.

Notification Requirement: As of this writing, the 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 April 6, 2006 Planning Commission meeting if these requirements have not been met.