

STAFF REPORT
July 6, 2006

No. 06PD043 - Planned Commercial Development - Initial and Final Development Plan **ITEM 24**

GENERAL INFORMATION:

PETITIONER	Kahler Property Management for Robert Froehlich
REQUEST	No. 06PD043 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots 1 thru 20, Block 1, Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .42 acres
LOCATION	311 East St. Patrick Street
EXISTING ZONING	Neighborhood Commercial District - Neighborhood Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Neighborhood Commercial District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/9/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. Planning Commission hereby determines the leather goods retail and repair is an appropriate use for the district and any change in use will require a Major Amendment to the Planned Commercial Development;
2. The screening requirement is hereby waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;
3. The landscape requirement is hereby waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;
4. The submitted parking plan is hereby approved as submitted with a total of 99 parking

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stalls, of which 76 are in compliance with Section 17.50.270 of the Rapid city Municipal Code, until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;

5. Prior to Planning Commission approval, a sign package must be submitted showing all signage provided or a Minimal Amendment to the Planned Commercial Development must be obtained for any additional signage;
6. Prior to installation of any signage a sign permit shall be obtained; and,
7. The Planned Commercial Development – Initial and Final Development Plan shall expire if the use has not commenced 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 a Planned Commercial Development – Initial and Final Development Plan for the subject property and approval of a use which meets the intent of the district as determined by Planning Commission. The subject property is located south of East Saint Patrick Street and east of Elm Avenue. Currently, a shopping center is located on the subject property.

STAFF REVIEW: Staff has reviewed this request with respect to the criteria established for planned developments identified in Section 17.50.060 of the Rapid City Municipal Code.

Determination of Use: Staff noted that the applicant is proposing to locate a leather goods retail and repair store on a portion of the subject property. As per Section 17.20 of the Rapid City Municipal Code this use requires Planning Commission to determine if it meets the intent of the district.

Signage: Staff noted that no sign package was submitted with the application. Prior to Planning Commission approval, a sign package must be submitted showing all signage provided or a Minimal Amendment to the Planned Commercial Development must be obtained for any additional signage. Staff also noted that prior to installation of any signage a sign permit shall be obtained.

Screening: Section 17.20.080 of the Rapid City Municipal Code states that when a neighborhood commercial zoning district is adjacent to a side or rear yard of a residential district, an opaque ornamental screening fence not less than 5 nor more than 6 feet in height shall be constructed along the adjacent property lines and shall be maintained in good condition. Staff recommends that this requirement be waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located.

Landscaping: 17.20.080 of the Rapid City Municipal Code states that when a neighborhood commercial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations. Fifty percent of the plant material shall be visible from the residential district whenever possible. Staff recommends that this requirement be

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waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located.

Parking: Staff noted that the site plan indicates 99 parking stalls and 97 parking stall are required for the subject property. However, a number of the stall do not appear to meet the parking requirements of Section 17.50.270 of the Rapid City Municipal Code. Staff recommends that the Planning Commission approve the submitted parking plan until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located.

Nonconforming Buildings and Uses: Staff noted that as per Section 17.52 the subject property is legally nonconforming in regards to parking, screening, and landscaping. Staff recommends that upon expansion of the existing structure or removal and replacement of the existing building that the subject property conform to all of the regulations of the district in which it is located.

Notification Requirement: As of this writing, the green cards from the required notification of surrounding property owners have not been returned. The sign has been posted on the property. Staff will notify the Planning Commission at the July 6, 2006 Planning Commission meeting if the mailing notification requirement has not been completed.