

STAFF REPORT  
August 10, 2006

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**No. 06PD050 - Planned Commercial Development - Final Development Plan**      **ITEM 51**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for FICACS, LLC
REQUEST	<b>No. 06PD050 - Planned Commercial Development - Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2, Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.939 acres
LOCATION	Southwest corner of the intersection of 38th Street and Canyon Lake Drive
EXISTING ZONING	Neighborhood Commercial District (Planned Development Designation)
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	6/30/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. Prior to Planning Commission approval, an elevation of the screening fence proposed around the dumpster shall be submitted for review and approval;
2. Prior to Planning Commission approval, the sign package shall be revised to show a maximum eight foot high pole sign at the entrance of the development in lieu of the proposed approximate 20 foot high sign. The sign shall be limited to a campus sign with no off-premise advertising allowed. The sign shall also be revised eliminating the electronic reader board sign. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The balance of the directional signs and the awning sign shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The

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- lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
  5. Prior to issuance of a building permit, the civil engineering sheets shall be stamped and signed by a Professional Engineer registered by the State of South Dakota;
  6. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
  7. A minimum of 38,814 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  8. A minimum of 28 parking spaces shall be provided. Two of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, four stacking lanes shall be provided for the drive-up window. All provisions of the Off-Street Parking Ordinance shall be continually met;
  9. The hours of operation for the drive-up window shall be limited to 7:00 a.m. to 11:00 a.m. In addition, the access lane to the drive-up window shall be gated when the drive-up is not in use. The gate shall conform to the proposed elevation and design plans submitted as a part of this Final Planned Commercial Development;
  10. All outdoor lighting shall be reflected within the property boundaries so as to not 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;
  11. The air handling equipment shall be screened with an opaque screening fence as shown on the elevation(s);
  12. The screening fence located along the south and west lot line(s) shall conform architecturally to the proposed elevations, design plans and color palette submitted with this Final Planned Commercial Development. In particular, the fence shall be constructed of wood and be six feet in height, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38<sup>th</sup> Street. This portion of the fence shall not be more than four feet in height;
  13. The International Fire Code shall be continually met. In particular, the proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
  14. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement for the two lots or the property shall be platted into one lot;
  15. 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; and,
  16. The proposed structure shall be used as an ice cream store. In addition, all provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment.

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GENERAL COMMENTS:

**(Update, July 27, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 27, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.**

The applicant has submitted a Final Commercial Development Plan to allow an approximate 1,981 square foot ice cream store to be located on the subject property.

On April 6, 2006, the Planning Commission approved an Initial Commercial Development Plan to allow the ice cream store on the subject property. In addition, the Planning Commission approved an Exception to the Street Design Criteria Manual to allow three approaches to the subject property in lieu of two and to allow access from Canyon Lake Drive, the higher order street.

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

STAFF REVIEW:

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

Design Features: The applicant has submitted building elevations of the commercial structure identifying that the proposed building will be one story with a parapet along the sides and a pitched peaked roof over the entrance along the front of the structure. The building will be constructed with simulated wood lap siding, wood, glass, metal and have fabric awnings over the windows and asphalt shingles. In addition, the building will be earth tone in color. Staff is recommending that the proposed structure conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development.

Signage: The applicant has submitted a sign package identifying a 3 ½ foot by 12 foot awning sign above the front entrance of the structure. In addition, several directional signs are proposed within the parking lot area. The applicant is also proposing an approximate 20 foot high pole sign along Canyon Lake Drive. The face of the sign measures five feet in height by ten feet in width. In addition, an approximate two foot high by eight foot wide electronic reader board sign is located directly below the sign. However, staff is concerned with the safety impact of allowing an electronic reader board sign on property located along Canyon Lake Road, a minor arterial street. In particular, the traffic along Canyon Lake Road may be negatively impacted with the diversion of an electronic reader board sign. In addition, the overall size and design of the entrance sign is not complimentary and/or appropriate next to the existing residential development that surrounds the subject property. In particular, the height of the sign with the light from the electronic reader board will negatively impact the residential development surrounding the subject property. As such, staff is recommending that prior to Planning Commission approval, the sign package be revised to show a maximum eight foot high pole along Canyon Lake Road in lieu of the

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proposed approximate 20 foot high sign. The sign must also be revised eliminating the electronic reader board sign. In addition, the sign must be constructed with similar building materials and color palette as the proposed structure. (Please note that staff has received a letter from an area property owner opposing the proposed pole sign.)

Landscaping: A minimum of 38,814 landscaping points are required. The applicant's site plan identifies that 68,276 points are being provided. In particular, the landscaping plan identifies a row of large trees along the north lot line with additional trees along the east lot line and one planter island within the parking lot. Staff is recommending that the landscaping comply with the type and location of landscaping submitted as a part of the Planned Commercial Development. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: The ice cream store with outdoor seating requires that a minimum of 28 parking spaces be provided. In addition, two of the spaces must be handicap accessible with one of the handicap spaces being "van" accessible. The applicant's site plan identifies that 28 parking spaces are being provided with two handicap spaces. In addition, one of the spaces is "van" accessible. During the review and approval of the Initial Commercial Development Plan, the Planning Commission determined that four stacking spaces must be provided for the proposed drive up-window with the stipulation that the hours of operation for the drive-up window be limited to 7:00 a.m. to 11:00 a.m. and that the drive-up window be gated when not in use. The applicant has submitted an elevation of the proposed gate showing a locked triangular shaped gate with reflective stripping and a sign posted on the gate identifying the hours of operation. Staff is recommending that the drive-up window hours be limited as previously approved and that the gate conform to the proposed elevation and design plans submitted as a part of this Final Planned Commercial Development.

Fencing: The applicant has submitted an elevation of the screening fence to be located along the west and south lot lines to serve as a buffer between the proposed commercial use and the adjacent residential district(s). In particular, the elevation identifies the fence as a six foot high wood fence, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38<sup>th</sup> Street. This portion of the fence is shown as four feet high. Staff is recommending that the screening fence conform architecturally to the proposed elevations, design plans and color palette submitted with this Final Planned Commercial Development.

The site plan also shows a screening fence around the proposed dumpster to be located on the south side of the building. However, to date, an elevation of the proposed screening fence has not been submitted. As such, staff is recommending that prior to Planning Commission approval, an elevation of the screening fence 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.

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Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received several calls of inquiry regarding this item. One caller voiced opposition to the proposed sign and, subsequently, submitted a letter opposing the sign.