

STAFF REPORT  
October 26, 2006

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**No. 06PD081 - Major Amendment to a Planned Commercial Development**      **ITEM 54**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for FICACS, LLC
REQUEST	<b>No. 06PD081 - Major Amendment to a Planned Commercial Development</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 0.989 acres
LOCATION	At the southeast 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	9/29/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. Prior to Planning Commission approval, the design plans shall be revised to show the roof with an earth tone color in a shade of brown or taupe in lieu of burgundy. With the exception of the color of the roof, the proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
2. The proposed screening fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
3. The pole sign along Canyon Lake Drive shall measure a maximum of ten feet in height by 11.8 feet in width. In addition, a maximum 3 foot by 9 foot message board with

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- manually changeable lettering shall be allowed along the bottom of the sign. An electronic reader board shall not be allowed. 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 wall sign shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The 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;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  5. 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;
  6. 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;
  7. A minimum of 39,445 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 21 parking spaces shall be provided. One of the spaces shall be "van handicap 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. The hours of operation for the outdoor seating area shall be limited to 9:00 a.m. to 10:00 p.m.;
  11. 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;
  12. The air handling equipment shall be screened with an opaque screening fence as shown on the elevation(s);
  13. 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;
  14. The International Fire Code shall be continually met;
  15. 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;
  16. 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,
  17. The proposed structure shall be used as an ice cream and coffee shop. 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

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Major Amendment.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to reduce the size of a previously approved ice cream and coffee shop 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 and coffee shop 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.

On September 7, 2006, the Planning Commission approved a Final Commercial Development Plan to allow a 1,990 square foot ice cream and coffee shop on the subject property. The applicant has submitted a letter of intent stating that the size of the building is being reduced to 1,498 square feet due to the construction cost(s) of the project.

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. All of the surrounding properties are zoned Medium Density Residential District. An apartment complex is located east of the subject property. The balance of the properties are developed with single family residence(s).

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 peaked roof. The building will be constructed with simulated wood lap siding, wood, glass, metal and asphalt shingles. In addition, the building will be earth tone in color. In particular, the applicant has indicated that the siding will be pinewood, or light grey, in color with a burgundy roof. The surrounding apartment building(s) and the single family residences are constructed with brown earth tone colors. The proposed burgundy roof does not appear appropriate for the existing residential development within the area. As such, staff is recommending that prior to Planning Commission approval, the design plans be revised to show the roof with an earth tone color in a shade of brown or taupe in lieu of burgundy. With the exception of the color of the roof, the proposed structure must 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 wall mounted 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 a pole sign along Canyon Lake Drive measuring ten feet in height by 11.8 feet in width. In addition, a three foot by nine foot

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message board with manually changeable lettering is proposed along the bottom of the sign. Staff is recommending that the signage conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. In addition, an electronic reader board shall not be allowed. The sign(s) must also be constructed with similar building materials and color palette as the proposed structure. The lighting for the sign(s) must be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Landscaping: A minimum of 39,445 landscaping points are required. The applicant's site plan identifies that 67,265 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 and coffee shop with outdoor seating requires that a minimum of 21 parking spaces be provided. In addition, one of the spaces must be handicap accessible with one of the handicap spaces being "van" handicap accessible. The applicant's site plan identifies that 21 parking spaces are being provided with one "van" handicap accessible space. 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. Due to the surrounding residential development, staff is also recommending that the hours of operation of the outdoor seating area be limited from 9:00 a.m. to 10:00 p.m.

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 and air handling equipment to be located on the south side of the building. In addition, the applicant has submitted an elevation showing a six foot high wooden fence and gate to serve as a screen around the dumpster and around the air handling equipment. This is the same fencing proposed along the west and south perimeter of the property. As such, staff is recommending that the screening fence conform architecturally to the proposed elevations,

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design plans and color palette submitted with this Final Planned Commercial Development.

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: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 26, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.