

STAFF REPORT
March 8, 2007

No. 07PD008 - Planned Commercial Development - Initial Development Plan **ITEM 36**

GENERAL INFORMATION:

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|----------------------------|---|
| PETITIONER | TSP Three, Inc. for Bob Brandt |
| REQUEST | No. 07PD008 - Planned Commercial Development - Initial Development Plan |
| EXISTING LEGAL DESCRIPTION | Dan's Supermarket Tract Revised less Lot 1 (also in Block 67) and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 5.61 acres |
| LOCATION | 333 3rd Street |
| EXISTING ZONING | General Commercial District |
| SURROUNDING ZONING | |
| North: | Flood Hazard District |
| South: | General Commercial District |
| East: | General Commercial District |
| West: | General Commercial District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 2/9/2007 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

RECOMMENDATION:

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

1. The request to reduce the parking requirement for Phase One and Phase Two from 277 parking spaces to 225 parking spaces is hereby denied. Upon submittal of a Final Development Plan, the site plan shall be revised to provide 52 additional parking spaces or the proposed use(s) of the property shall be reduced and/or revised to provide the minimum number of off-street parking spaces required by the Rapid City Municipal Code. In particular, upon submittal of a Final Development Plan for Phase One, a minimum of 219 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the spaces shall be "van" handicap accessible. Upon submittal of a Final Development Plan for Phase Two, a minimum of 58 parking spaces shall be provided;
2. The request to reduce the access aisle width from 26 feet to 24 feet for the two access

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- aisles located between the existing Dan's Supermarket building and the proposed restaurant is hereby granted;
3. The request to reduce the front yard setback from 25 feet to three feet for the proposed strip mall to be located along the southern property line for a distance of 265 feet is hereby approved contingent upon the applicant entering into an agreement to hold harmless the City for the existing storm sewer located along the north side of the Rapid Street right-of-way and the requirement that all entrances to the south side of the building be limited to service entrances only with no overhead doors. In addition, that portion of the southwest corner of the building located in the sight triangle shall be removed. No further expansion of the proposed strip mall shall be allowed unless a Major Amendment to the Planned Commercial Development is approved;
The request to waive the requirement to provide a loading area for the 13,300 square foot strip mall is hereby granted;
 4. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved;
 5. Prior to submittal of a Final Commercial Development Plan, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 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;
 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 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;
 9. 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. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign;
 10. 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;
 11. Upon submittal of a Final Commercial Development Plan application, elevations of the screening fence for the dumpster shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
 12. Upon submittal of a Final Commercial Development application, the site plan shall be revised eliminating the eight foot wide loading zone designation in the Rapid Street right-of-way;
 13. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties,

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- including rooftop facilities;
14. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of the existing and proposed structures shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
 15. The International Fire Code shall be continually met. In particular, the structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 16. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
 17. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained. In addition, on-sale liquor use shall be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment;
 18. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
 19. 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

The applicant has submitted an Initial Commercial Development Plan to allow a 64,237 square foot retail building, a 13,300 square foot strip mall and a 5,940 square foot restaurant to be located on the subject property. The applicant has indicated that the commercial development will be known as "Tuscany Square Shopping Center".

The property is located in the southwest corner of the intersection of 3rd Street and Omaha Street. Currently, a 64,237 structure is located on the property which was previously the location of "Dan's Supermarket".

STAFF REVIEW:

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

Design Features: The applicant has submitted the front elevations of the 64,237 square foot retail building and the 13, 300 square foot strip mall showing both buildings as one story structures with a parapet along the roof. The applicant has also submitted the south side elevation of the strip mall showing standard door access with no overhead door(s) along this

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side of the building. The applicant has also indicated that the two buildings will have a "Tuscany" design with tower like elements, canopies, rounded tile arches and rock work accents. To date, elevations of the remaining side elevations of the two buildings and elevations for the proposed restaurant have not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of the existing and proposed structures be submitted for review and approval. In addition, a complete list of building materials and color palette must be submitted for review and approval.

Use: The applicant has indicated that the development will be constructed in two phases. Phase One includes the 64, 237 square foot retail building and the 13,300 square foot strip mall. The applicant has also indicated that the two buildings will be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage. Phase Two includes the 5,940 square foot restaurant to be located in the northeast corner of the property. The proposed use(s) are permitted uses within the General Commercial Zoning District. Staff is recommending that the structures be used as proposed unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment. In addition, on-sale liquor use must be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment.

Setback: The applicant has requested to reduce the front yard setback for the strip mall as it abuts Rapid Street from 25 feet to three feet. Reducing the setback as proposed will result in the proposed strip mall being located approximately six to seven feet from an existing storm sewer located in Rapid Street right-of-way. Typically, a ten foot separation is maintained between structure(s) and storm sewer(s). The site plan also identifies that the southwest corner of the proposed structure will be located in a site triangle for the adjacent approach along Rapid Street. However, Rapid Street is not identified on the City's Major Street Plan as a collector street or an arterial street. In addition, Rapid Street does not extend east and/or west beyond 3rd Street and 5th Street limiting the commercial traffic along the street as it abuts the subject property. As such, staff is recommending that the request to reduce the front yard setback from 25 feet to three feet for the proposed strip mall to be located along the southern property line for a distance of 265 feet be approved contingent upon the applicant entering into an agreement to hold harmless the City for the existing storm sewer located along the north side of the Rapid Street right-of-way and the requirement that all entrances to the south side of the building be limited to service entrances only with no overhead doors. In addition, that portion of the southwest corner of the building located in the sight triangle must be removed. No further expansion of the proposed strip mall shall be allowed unless a Major Amendment to the Planned Commercial Development is approved.

Parking: The required parking and the proposed parking for the development is as follows:

Phase One:

Required: 219 parking spaces with seven handicap accessible spaces
Proposed: 199 parking spaces with eight handicap accessible spaces

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Phase Two:

Required: 58 parking spaces

Proposed 26 parking spaces with two handicap accessible spaces

Total:

Phase One and Two Required: 277 parking spaces with seven handicap parking spaces.
(One of the handicap spaces must be "van" accessible)

Phase One and Two Proposed: 225 parking spaces with ten handicap parking spaces.
(Two of the handicap spaces are "van" accessible.)

The applicant has, subsequently, requested to reduce the parking requirement for the proposed development by 52 parking spaces, or 18.8%.

Staff has reviewed the proposed use(s) within the three structures and allowed a reduction in parking for any area used as storage, or 18,802 square feet. The Institute of Transportation Engineering Parking Generation Handbook identifies that the proposed use(s) will generate a peak hour parking demand of 298 parking spaces; whereas, the previous supermarket generated a peak hour parking demand of 146 parking spaces. On October 26, 2006, the Planning Commission reduced the parking requirement for a professional office building in Founder's Park by 13.6%, or 36 spaces. As noted above, the applicant is proposing to reduce the parking requirement for this development by 18.8%. In addition, the proposed restaurant within the strip mall and the 5,940 square foot restaurant proposed within Phase Two have a higher peak hour parking requirement than an office and/or retail use. As such, staff is recommending that the request to reduce the parking requirement for Phase One and Phase Two from 277 parking spaces to 225 parking spaces be denied. Upon submittal of a Final Development Plan, the site plan must be revised to provide 52 additional parking spaces or the proposed use(s) of the property must be reduced and/or revised to comply with the parking being provided. In particular, upon submittal of a Final Development Plan for Phase One, a minimum of 219 parking spaces must be provided with seven of the spaces being handicap accessible. In addition, one of the spaces must be "van" handicap accessible. Upon submittal of a Final Development Plan for Phase Two, a minimum of 58 parking spaces must be provided.

Access Aisles: The site plan identifies two 24 foot wide access aisles located between the existing Dan's Supermarket building and the proposed restaurant. The reduced access aisles serve as access to 44 of the parking spaces. The Parking Regulations require a minimum 26 foot wide access aisle. The remaining access aisles within the parking lot have a width of 26 feet. The site plan identifies that the reduced access aisles are not located within a route that would carry traffic directly through the development. The Institute of Transportation Engineering Trip Generation Handbook identifies that the use will generate 437 total peak hour trips; whereas the previous supermarket generated 772 peak hour trips. Due to the reduction in peak hour trips and the location of the access aisles, staff is recommending that the access aisle widths be reduced as requested.

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Loading Area: The applicant's site plan identifies an eight foot wide loading zone within Rapid Street right-of-way along the south side of the strip mall. However, Chapter 17.50.290 of the Parking Regulations states that all commercial and industrial uses shall provide and maintain off-street loading area(s). The applicant has requested to waive the requirement to provide an off-street loading area for the strip mall. In particular, the applicant is proposing to use Rapid Street as a loading area for the strip mall. Even though the street can not be striped as shown on the applicant's site plan, staff concurs that permitted parking within the right-of-way allows Rapid Street to serve as a loading area. In addition, the types of use(s) within the strip mall will not generate a large volume of truck and/or other vehicle delivery traffic. As such, staff is recommending that the request to waive the requirement to provide a loading area for the 13,300 square foot strip mall be granted. Staff is also recommending that upon submittal of a Final Commercial Development application, the site plan be revised eliminating the eight foot wide loading zone designation in the Rapid Street right-of-way.

Landscaping Plan: The site plan identifies areas reserved for landscaping. 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 complete 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.

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 March 8, 2007 Planning Commission meeting if these requirements have not been met.