

STAFF REPORT
March 22, 2007

No. 07PD001 - Planned Commercial Development - Initial & Final Development Plan **ITEM 17**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for William Donhiser
REQUEST	No. 07PD001 - Planned Commercial Development - Initial & Final Development Plan
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 2 and the East 13 feet of Lots 1A and 1B of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.786 acres
LOCATION	Southwest of the intersection of Bendt Drive and Catron Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation)
South:	Low Density Residential District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation) - Low Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/12/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;**
- 3. Prior to issuance of a building permit, all necessary changes shall be made to the**

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- construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
4. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
 5. **The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
 6. **The proposed commercial structure shall be used as retail, office, furniture store, photography studio, office supply store, restaurant and medical facility uses. In particular, no more than 2,880 square feet of restaurant area may be allowed or additional parking shall be provided. In addition, no on-sale liquor or adult oriented business uses are allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development;**
 7. **All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign 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;**
 8. **A minimum of 45,313 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;**
 9. **A minimum of 53 parking spaces shall be provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
 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 dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
 12. **All International Fire Codes shall be met; and,**
 13. **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.**

GENERAL COMMENTS:

(Update, March 10, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. Subsequently, a revised site plan, a revised landscaping plan, a revised parking plan, a revised sign package, a revised legal description and a revised application with additional signature(s) was submitted for review and approval.

(Update, February 23, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 22, 2007 Planning Commission meeting to allow the

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applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, February 9, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

The applicant has submitted an Initial and Final Commercial Development Plan to allow a 7,000 square foot commercial structure to be located on the above legally described property. In addition, the applicant has indicated that a 5,500 square foot structure will be proposed in the southern portion of the property as a part of Phase Two of the development and that a Major Amendment to the Planned Commercial Development must be submitted for review and approval for Phase Two once the design plans are completed.

The property is located in the southwest corner of the intersection of Catron Boulevard and Bendt Drive and is currently void of any structural development.

STAFF REVIEW:

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

Legal Description: An access aisle located along the western side of the proposed commercial structure is located in part on an adjacent property. As such, the legal description must be revised to include the adjacent property and the adjacent property owner must sign the application document. The applicant has requested that this item be continued to the February 22, 2007 Planning Commission meeting to allow the legal description to be revised, to obtain the necessary signature(s) on the application and to mail a corrected notice. **As noted above, a revised legal description and a revised application with the necessary signature(s) was submitted for review and approval.**

Design Features: The applicant has submitted building elevations of the commercial structure identifying that the proposed building will be one story with a parapet wall constructed along all four sides of the roof. The building will be constructed with brick, wood, pre-cast stone banding, metal awnings, glass, drivet and be earth tone in color. In particular, the building will be tan, beige, and brown in color.

The subject property is at a lower elevation than properties located east and southeast of the property resulting in the roof-top being visible to these surrounding properties. As such, staff is recommending that the applicant submit building material and proposed color(s) of the roof top prior to Planning Commission approval. In particular, staff is concerned that a white or light roof top color will be highly visible and, as such, recommends that darker earth

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tone colors, similar to the brown(s) to be used on the exterior walls, be utilized in the design of the roof top. **The applicant has submitted a sample of the roof top color identifying it as chocolate brown, an acceptable color. Staff is recommending that the proposed structure(s) conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan.**

Land Use: The applicant has submitted the following of proposed uses within the commercial structure: restaurant and/or medical facility with a drive up window (not to exceed 2,800 square feet), offices, retail, art stores and display, copy centers, furniture store and photography studios. The applicant has also indicated that casinos, liquor stores and/or adult oriented businesses will not be proposed. Staff is recommending that the following uses be allowed: retail, office, furniture store, photography studio, office supply store, restaurant and medical facility uses. In particular, no more than 2,880 square feet of restaurant area may be allowed or additional parking must be provided. In addition, no on-sale liquor or adult oriented business uses are allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development.

Signage: To date, a sign package has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, a complete sign package showing the location of the signs, the design and size of the signs and a list of building materials be submitted for review and approval. **The applicant has submitted a sign package identifying a 13.5 foot wide by ten foot high monument sign to be located in the northeast corner of the subject property. The sign will be constructed with brick, sheet metal with a textured finish and an aluminum face with back lit raised letters. In addition, the sign package includes a four foot wide by 50 foot long wall sign located along the front of the building to be constructed with similar materials and color as the proposed structure. Staff is recommending that all signage conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign 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 45,254 landscaping points are required. The applicant's site plan identifies that 45,313 points are being provided. However, a list of plant material to be used has not been submitted. Staff is recommending that prior to Planning Commission approval, a complete list of plant material be submitted for review and approval. **As noted above the applicant has submitted a revised landscaping plan identifying the plant material. Staff is recommending that the landscaping comply with the proposed landscaping plan. In particular, a minimum of 45,313 landscaping points must be provided. The landscaping plan must also comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.**

Approach: The site plan identifies a planter island within the approach along Bendt Drive. A portion of the planter island is located in the adjacent Bendt Drive right-of-way. In addition, it

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appears that the planter island may limit the turning radius for larger vehicles, such as fire apparatus's, to access the site. Staff has also noted that the width of the approach exceeds the maximum 28 foot approach width. The design of the approach must be modified accordingly or an Exception must be obtained to allow a wider approach. In addition, the design of the planter island must be modified to include a sidewalk and sidewalk ramps. Staff encourages utilizing the planter island and will work with the applicant on design issues that must be addressed. On January 26, 2007, staff met with the applicant's consultant and he indicated that the approach would either be revised to meet the requirements as discussed or the planter island would be removed from the design. Staff is recommending that prior to Planning Commission approval, the applicant submit a revised site plan demonstrating that the planter island is being designed as identified above or eliminating the planter island from the plan. **The revised site plan identifies the removal of the planter island within the approach. In addition, the applicant has obtained an Exception to allow a 36 foot wide approach in lieu of a 28 foot wide approach.**

Parking: The proposed use(s) require that a minimum of 53 parking spaces be provided. In addition, three of the parking spaces must be handicap accessible, with one of the spaces being "Van" accessible. The applicant's site plan identifies 55 parking spaces with two handicap accessible spaces. Staff is recommending that prior to Planning Commission approval, the parking plan be revised to show three handicap accessible spaces, with one of the spaces being "Van" accessible. **The revised parking plan identifies three handicap accessible parking spaces. In addition, one of the handicap spaces is "Van" accessible as required.**

The access aisle located along the western portion of the property is approximately 23 feet wide. The Parking Regulations states that the access aisle must be a minimum width of 26 feet. As such, staff is recommending that the site plan be revised to show a minimum 26 foot wide access aisle prior to Planning Commission approval. **The revised parking plan identifies a 26 foot wide access aisle along the west side of the parking lot as required.**

The applicant has indicated that a drive up window will be constructed on the north side of the building. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to show a minimum of seven stacking spaces for the drive up window. In addition, a physical barrier must be provided between the stacking lane and the access aisle located north of the proposed commercial building. **The revised parking plan identifies seven stacking spaces for the drive up window and a physical barrier between the staking lane and the access aisle as required.**

Fire: The Fire Department has indicated that all International Fire Codes must be met as a part of the design standards for the development. In particular, fire hydrants must be in place and operational prior to or in conjunction with building construction. In addition, the grades and location of access drives and/or streets must comply with the City Street Criteria Manual and the International Fire Code. An all weather drivable surface must be in place prior to any building construction on the site. The Fire Department has also indicated that an address must be posted on the site prior to or in conjunction with building construction. Staff

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is recommending that all International Fire Codes be continually met.

Red Line Comments: Staff has reviewed the construction plans and submitted red line comments to the applicant's consultant for further review and modification to the plans. In particular, staff has noted that the applicant must submit calculations that demonstrate the drainage pipe along the west side of the property is sized adequately to handle flows. Staff is recommending that all red line comments be addressed prior to issuance of a building permit. In addition, a Right-of-way Permit must be obtained prior to the start of any construction in the right-of-way.

Notification Requirement: The certified mailings have been returned and the sign has been posted on the property. Staff has received one call of inquiry regarding this proposal.