

STAFF REPORT

April 5, 2007

No. 07PD021 - Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment **ITEM 49**

GENERAL INFORMATION:

PETITIONER	TSP Three, Inc. for Bob Brandt
REQUEST	No. 07PD021 - Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment
EXISTING LEGAL DESCRIPTION	Block 66 of Dan's Supermarket Tract revised of Original Town of Rapid City, less Lot 1 (also in Block 67) and Less Lot H-1, 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 (Initial Planned Commercial Development)
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	3/9/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment be approved with the following stipulations:

1. Prior to Planning Commission approval, a revised sign package and site plan shall be submitted for review and approval relocating the proposed tower with signage along the north lot line to provide a minimum 25 foot front yard setback along Omaha Street. In addition, the sign package shall be revised to eliminate the 14 foot X 14 foot LED sign from the northwest corner of the 64,237 square foot retail structure. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted and approved 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. In addition a sign

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2. permit and/or a Historic Sign Review shall be obtained as needed for each sign
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;
4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
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. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
8. 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 this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;
9. A minimum of 129,240 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;
10. A minimum of 209 parking spaces shall be provided. Seven 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;
11. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;
12. 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;
13. All International Fire Codes shall be met; and,
14. 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:

The applicant has submitted a Final Commercial Development Plan to allow a 64,237 square foot retail building and a 13,300 square foot strip mall to be located on the subject property as Phase One of the development. In addition, a 1,400 square foot restaurant with on-sale liquor is proposed within the strip mall. The applicant has indicated that the commercial development will be known as "Tuscany Square Shopping Center". A second

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phase of development will include a 5,940 square foot restaurant to be constructed in the northeast corner of the property.

On March 8, 2007, the Planning Commission approved 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 with the following stipulations:

1. The request to reduce the parking requirement for Phase One and Phase Two from 277 parking spaces to 235 parking spaces is hereby approved. Upon submittal of a Final Development Plan, the site plan shall be revised to provide ten 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 209 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 26 parking spaces shall be provided;
2. The request to reduce the access aisle width from 26 feet to 24 feet for the two access 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. No further expansion of the proposed strip mall shall be allowed unless a Major Amendment to the Planned Commercial Development is approved;
4. An Exception is hereby granted to allow that portion of the southwest corner of the building to be located in the site triangle with the requirement that the building not be located in the draft sight triangle being considered for possible adoption as part of the revision to the Street Design Criteria Manual;
5. The request to waive the requirement to provide a loading area for the 13,300 square foot strip mall is hereby granted;
6. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved;
7. 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;
8. 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;
9. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;
10. Upon submittal of a Final Commercial Development Plan application, a complete

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- 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;
11. 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;
 12. 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;
 13. 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;
 14. 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;
 15. 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, including rooftop facilities;
 16. 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;
 17. 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;
 18. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
 19. 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;
 20. 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,
 21. 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

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Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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 Final Commercial Development Plan and has noted the following considerations:

Design Features: The applicant has submitted the 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 front roof line of the buildings. The applicant has also submitted the south side elevation of the strip mall showing standard door access with no overhead door(s) along this side of the building. The elevations also identify that the two buildings will have a "Tuscany" design with tower like elements, canopies, rounded tile arches and rock work accents. The building material will consist of rock, concrete block, timber, glass with aluminum doors and windows. In addition, a Tuscany designed roof tile will be incorporated into parts of the roof. The colors will include several shades of browns and redwood. 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.

Use: The applicant has indicated that the structures will be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage. In addition, an on-sale liquor use is proposed within the 1,400 square foot restaurant to be located within the strip mall. Staff has reviewed this request with respect to the four criteria established for On-Sale Liquor establishments identified in Section 17.50.185 and has noted that there are no places of religious worship, schools, or playgrounds located within a five hundred foot radius of the subject property. In addition, there are no residential zoning districts adjacent to or within the area of the subject property as the property is surrounded by General Commercial Districts. As such, allowing an on-sale liquor establishment in conjunction with a full service restaurant should not cause blight, deterioration or diminish land values of the surrounding properties.

Staff is recommending that the structures 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 this Final Commercial Development Plan or a subsequent Major Amendment to the Commercial Development Plan. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use will require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan must be reviewed and approved prior to issuance of a building permit for Phase Two of the development.

Signage: The applicant has submitted a sign package identifying signage on the two proposed

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buildings and throughout the parking lot. In particular, a 14 foot wide by 36 foot long sign is proposed along the northwest corner of the 64,237 square foot commercial building. A 14 foot X 14 foot area of the sign is identified as an LED sign. The location of the LED sign is within two feet of the Omaha Street right-of-way. The sign package also identifies signage on a 16 foot wide by 40 foot high tower located approximately ten feet from the Omaha Street right-of-way. However, the tower is a structure and must maintain a minimum 25 foot setback from the right-of-way.

Omaha Street is a principal arterial street carrying large volumes of traffic through the downtown area of the City. A 2005 Traffic Count identified an average daily vehicle count of 32,150 vehicles along this stretch of Omaha Street. Staff is concerned with the safety impact of allowing an electronic reader sign on a building located within two feet of the principal arterial street right-of-way. In addition, allowing a 40 foot high structure with signage to be constructed ten feet from the right-of-way, within the minimum 25 foot setback, further impacts the safety along Omaha Street. The property is also located across from dedicated park land that provides a greenway for the residents and visitors of the City to enjoy. As such, staff is recommending that prior to Planning Commission approval, a revised sign package and site plan be submitted for review and approval relocating the proposed tower to provide a minimum 25 foot front yard setback along Omaha Street. In addition, the sign package must be revised to eliminate the 14 foot X 14 foot LED sign from the northwest corner of the 64,237 retail structure.

Staff is also recommending that the balance of the signage conform to the design, color and location as shown in the sign package submitted and approved 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. In addition a sign permit and/or a Historic Sign Review must be obtained as needed for each sign.

Fencing: The applicant originally submitted an elevation for the screening fence around the dumpsters showing the fence as six feet in height. However, the fence is located within 25 feet of street right(s)-of-way requiring that a maximum four foot high fence be constructed or a fence height exception must be obtained. The applicant has, subsequently, submitted a revised elevation showing a four foot high fence. In addition, the applicant has indicated that the fence will be constructed with a four foot high split face block and a cedar or redwood gate. Staff is recommending that the dumpsters be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed.

Landscaping: A minimum of 128,118 landscaping points are required. The applicant's landscaping plan identifies that 129,240 points are being provided. Staff is recommending that the landscaping comply with the proposed landscaping plan. 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.

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Parking: As noted above, the parking requirement was reduced for Phase One and Phase Two of the development from 277 parking spaces to 235 parking spaces, or 209 parking spaces for Phase One and an additional 26 parking spaces for Phase Two. Staff is recommending that a minimum of 209 parking spaces be provided for this phase of the development as previously required. Seven of the spaces must be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance must be continually met.

Red Line Comments: Prior to issuance of a building permit, all necessary changes must be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Development Service Center Division. In particular, the applicant must demonstrate that the proposed tower is not located on a water service line. The construction plans must also be revised to show the sewer and water mains extending into the property as private lines. In addition, the finished floor elevations for the strip mall must be submitted for review and approval.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the April 5, 2007 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.