

STAFF REPORT
May 10, 2007

**No. 07PD014 - Planned Commercial Development - Initial and Final
Development Plan**

ITEM 22

GENERAL INFORMATION:

PETITIONER	Mark and Mary Garry
REQUEST	No. 07PD014 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .18 acres
LOCATION	2901 Chapel Lane
EXISTING ZONING	Neighborhood Commercial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Low Density Residential District
East:	General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid Canyon Sanitary District and private well
DATE OF APPLICATION	2/23/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be denied without prejudice at the applicant's request.

GENERAL COMMENTS: **This staff report has been revised as of April 30, 2007. All revised and/or added text is shown in bold print.** The applicant is requesting approval of a Planned Commercial Development – Initial and Final Development Plan for the subject property to allow a professional office use, a church, and a recreational facility on the subject property. The subject property is located south of Jackson Boulevard and west of Chapel Lane. In the past the subject property has been a general store, an art studio, an antique store, and a restaurant. Currently, a church is located on the subject property.

STAFF REVIEW: Staff has reviewed this request with respect to the criteria established for planned developments identified in Section 17.50.060 of the Rapid City Municipal Code.

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Floodplain: Staff noted that the subject property is located within the floodway. A floodplain development permit is required for any structures in the floodplain. Staff also noted that more than fifty percent of the value of the property has been accrued since the property was placed in the floodplain and Section 15.32.250 of the Rapid City Municipal Code states that no structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50% of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use. As, such no building permit could be issued until such time as the structure is changed to a conforming use. This requirement makes it extremely difficult for staff to recommend approval of the Planned Commercial Development – Initial and Final Development Plan due to the limited viability of the property.

Fire Safety: Staff noted that the minimum fire flow of 1500 GPM with one fire hydrant within 400 feet of all portions of the building. If the required fire flows can not be obtained the structure shall be fully fire sprinkled. Staff also noted that all applicable provisions of the International Fire Code shall be met.

Signage: Staff noted that a sign package was submitted with the application demonstrating reuse of the existing sign. Staff also noted that Section 15.32.250 of the Rapid City Municipal Code states that no structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50% of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use. As, such no sign permit could be issued until such time as the structure is changed to a conforming use.

Landscaping: Staff noted that the landscape plan meets the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

Parking: Staff noted that there are approximately 12 parking stalls on the subject property but the parking stalls do not appear to meet the minimum parking requirements of Section 17.50.270 of the Rapid City Municipal Code. Staff also noted that a Variance was granted on September 17, 1996 to allow the nonconforming parking stalls for the subject property and the applicant is proposing to use the existing parking. Staff recommends that the Planning Commission approve the submitted parking plan until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located.

Notification Requirement: As of this writing, the green cards from the required notification of surrounding property owners have not been returned and the sign has not been posted on the property. Staff will notify the Planning Commission at the **May 10, 2007** Planning Commission meeting if the mailing notification requirement has not been completed.

This item was continued to the April 5, 2007 Planning Commission meeting at the applicant's request. On March 27, 2007 the applicant requested the item be continued to the April 26, 2007 Planning Commission meeting to address the previously stated issues.

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This item was continued to the April 26, 2007 Planning Commission meeting at the applicant's request. **This item was continued to the May 10, 2007 Planning Commission meeting at the applicant's request. On April 30, 2007 the applicant requested that this item be denied without prejudice.**

Staff recommends that this item be denied without prejudice at the applicant's request.