

STAFF REPORT

June 7, 2007

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**No. 07PD036 - Major Amendment to a Planned Commercial Development**      **ITEM 20**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for JR Investments, LLC
REQUEST	<b>No. 07PD036 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Tract C Revised, Tract A revised (less Lot H8) and Tract D, Walpole Heights Subdivision and Lots AB and AB1, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Block 1, Walpole Heights Subdivision (Formerly Tract C Revised and Lot AB1) and Tract A Revised (less Lot H8) and Tract D, Walpole Heights Subdivision and Lot AB, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.672 acres
LOCATION	2707 Mount Rushmore Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Office Commercial District
East:	General Commercial District
West:	General Commercial District - Office Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. All applicable stipulations from the previously approved Major Amendment to the Planned Commercial Development shall be continually met;

## STAFF REPORT

June 7, 2007

---

### No. 07PD036 - Major Amendment to a Planned Commercial Development ITEM 20

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2. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
4. Prior to Final Plat approval, the off-premise signs shall be removed or the monument signs shall be revised to comply with the Joint Identification Sign Ordinance with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage; and,
5. The Major Amendment to a 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 subject property is located north and south of Fairmont Boulevard along the west side of Mount Rushmore Road. Currently, a restaurant, a jewelry manufacturing and retail outlet store, two storage units and a hotel are located on the subject property. The property is zoned General Commercial with a Planned Commercial Development.

A Planned Commercial Development to allow jewelry manufacturing as a Use on Review in the General Commercial Zoning District was approved for this property in 1987. A Minor Amendment to allow the construction of a storage building was approved in 1993. A Major Amendment to allow an office addition, an additional storage building and an expansion of the parking area was approved in 1994. A Minor Amendment was approved in 1995 to reduce the front yard setback from 25 feet to 15 feet and to reduce the west side yard setback from 25 feet to 15 feet for the storage building previously approved in 1994. In 2000, the City Council approved a Major Amendment to the Planned Commercial Development to allow the construction of a 12,256 squared foot addition onto the existing jewelry manufacturing facility. In 2001, a Major Amendment to the Planned Commercial Development was approved to allow the construction of an 82 room hotel on the south side of Fairmont Boulevard.

On October 21, 2004 Planning Commission approved, a Major Amendment to the Planned Commercial Development (04PD058) to allow the construction of a 5,662 square foot restaurant on the south side of Fairmont Boulevard with stipulations.

On November 24, 2004, Planning Commission approved a Major Amendment to the Planned Commercial Development (04PD068) to allow an On-Sale Liquor Establishment with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
2. Prior to initiation of construction, an Air Quality Permit shall be obtained;
3. The structure shall be fully fire sprinkled and fully fire alarmed;
4. Prior to issuance of a Certificate of Occupancy, the address shall be posted on the building with 12 inch high numbers plainly visible from the street on a contrasting

STAFF REPORT  
June 7, 2007

---

**No. 07PD036 - Major Amendment to a Planned Commercial Development**      **ITEM 20**

---

- background;
5. Prior to any construction within the public right-of-way, a permit to work within the public right-of-way shall be obtained;
  6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
  7. The landscaping plan for the Planned Commercial Development shall continually comply with all requirements of the Zoning Ordinance;
  8. Any additional signage on the subject property will require a Major Amendment to the Planned Commercial Development;
  9. Prior to issuance of a Building Permit, the H Lot for additional right-of-way at the intersection of Mount Rushmore Road and Fairmont Boulevard shall be approved and recorded with the Pennington County Register of Deeds;
  10. All applicable stipulations from the previously approved Planned Commercial Development shall be continually met;
  11. The proposed structure shall conform architecturally to the plans and elevations submitted;
  12. The Major Amendment to 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,
  13. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant at all times.

The applicant has now submitted a Preliminary Plat application (07PL068) to create two lots from the existing parcel. The two proposed lots will range in size from 2.5 acres to 3.5 acres. The applicant has submitted a Major Amendment to the Planned Commercial Development to address issues with landscaping and signage created by the proposed replatting. The applicant has also submitted a Variance to the Subdivision Regulations (07SV027).

**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.

**Parking:** Section 17.50.270 of the Rapid City Municipal Code requires parking to be provided. The parking plan submitted shows 244 parking stalls provided which exceeds the minimum 235 parking stalls required. Staff noted that the proposed parking plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

**Signage:** Staff noted that the proposed plat that divides the subject property into two lots will create two off-premise signs on the subject property. On May 30, 2007 staff met with the applicant and discussed creating two Joint Identification Signs on the subject property per Section 15.28.225 of the Rapid City Municipal Code. Staff recommends that prior to Final Plat approval, the off-premise signs shall be removed or the monument signs shall be revised to comply with the Joint Identification Sign Ordinance with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage.

STAFF REPORT  
June 7, 2007

---

**No. 07PD036 - Major Amendment to a Planned Commercial Development      ITEM 20**

---

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. The landscape plan submitted shows 279,170 landscaping points provided which exceeds the 279,035 points required. Staff noted that the proposed landscape plan meets the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

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 June 7, 2007 Planning Commission meeting if these requirements have not been met.

Staff is recommending that this item be approved with the previously stated stipulations.