

STAFF REPORT
June 7, 2007

No. 07UR007 - Major Amendment to a Conditional Use Permit

ITEM 42

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07UR007 - Major Amendment to a Conditional Use Permit
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the NE¼ NE¼, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33, T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28, T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, N89°59'35W, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence S00°07'49"E a distance of 183.05 feet, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with survey cap "LS 6565"; thence, S89°50'38"W, a distance of 59.44 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the left whose chord bears S61°46'00"W and has a length of 102.48 feet, more or less, having a radius of 250.05 feet, more or less, and a central angle of 23°39'02" and an arc length of 103.21 feet, more or less; thence, S49°56'30"W; a distance of 101.29 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the right whose chord bears S69°52'58"W and has a length of 238.78 feet, more or less, having a radius of 350.06 feet, more or less, a central angle of 39°52'57" and an arc length of 243.67 feet, more or less; thence, S45°00'26"W, a distance of 48.30 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S00°00'28"W, a distance of 262.50 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, north along the west line of Elk Vale Road right-of-way, N00°07'57"W, a distance of 492.66 feet, more or less, to the point of beginning. Said tract of land contains 4.27</p>

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	acres or 186,001 square feet, more or less
PARCEL ACREAGE	Approximately 2.67 acres
LOCATION	Southwest corner of the intersection of North Elk Vale Road and Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Water and Sewer
DATE OF APPLICATION	4/27/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be approved with the following stipulations:

- 1. Parking requirements will be reduced from 84 parking spaces to 73 parking spaces, with four spaces to be handicap accessible, one of which being van accessible.**
- 2. The applicant shall submit for review and approval a revised pole sign that is designed to implement the character of the building that consists of brick, natural rock, stucco, and wood.**
- 3. The applicant shall submit for review and approval, a sign package of all proposed signs that is drawn to scale and prepared by a professional sign contractor.**
- 4. The applicant shall submit for review and approval a landscape plan for the base of the pole sign that identifies evergreen vegetation.**

GENERAL COMMENTS:

(Update, May 30, 2007. All revised and/or added text is shown in bold print.)

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow for a reduction of required parking, and submittal of a sign package. The subject property is located southwest of the intersection of North Elk Vale Road and Eglin Street. A convenience store with a detached car wash is currently under construction on the subject property. A Conditional Use Permit (#06UR015) to allow for a car wash in a General Commercial District was approved by the Planning Commission on September 7, 2006.

Staff has noted that stipulations were required for approval of the original Conditional Use Permit (#06UR015):

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1. **A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building. The Occupancy Certificate shall only be issued after the sanitary sewer system is constructed and connected to the City system;**
2. **An Amendment to the Conditional Use Permit shall be submitted when the future signage is determined;**
3. **A minimum of 85 parking spaces shall be provided. Four of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, three stacking lanes shall be provided for the car wash. All provisions of the Off-Street Parking Ordinance shall be continually met;**
4. **A minimum of 166,890 landscaping points shall be provided. The submitted landscape plan shall continually comply with all requirements of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary;**
5. **All applicable provisions of the International Fire Code shall be continually met;**
6. **The proposed structure shall conform architecturally to the proposed elevations;**
7. **The Conditional Use Permit 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.**

Staff has noted that the building is currently under construction and the proper permits have been issued by the Building Inspection Department. Future signage and parking requirements are being addressed with this Major Amendment to a Conditional Use Permit review. Landscaping has not been installed because the building is still under construction. The building elevations and car wash elevations appear to be in architectural conformance with the elevations that were previously approved. The original Conditional Use Permit (#06UR015) was approved on September 7, 2006, as stated the building is currently under construction, and it appears that the construction will be completed before the expiration deadline of two years after Planning Commission approval. Staff finds that the applicant is currently in compliance with the previous stipulations.

STAFF REVIEW:

Staff has reviewed the applicant's request for a Major Amendment to a Conditional Use and noted the following considerations:

SIGNAGE:

The applicant has submitted documentation identifying proposed wall signs and a proposed 45 foot pole sign. Staff has noted that the location of the proposed pole sign is not indicated on the submitted site plan. In addition the proposed pole sign does not reflect the character of the building, which consist of brick, natural rock, stucco, and wood. Staff has noted that the pole signs should reflect the character of the primary structure located on the lot. Staff has also noted that no landscaping is shown around the base of the pole sign, staff recommends that the base of the pole sign be landscaped with evergreen vegetation.

Staff has also noted that the proposed wall signs sign package, and the proposed pole sign should to be drawn to scale and prepared by a professional sign contractor.

Staff has noted that no revised sign package or landscaping plan has been submitted.

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The applicant has submitted a site plan identifying the location of the proposed wall sign, however dimensional information of the pole sign is needed to determine if the pole sign is within the sight triangle.

PARKING:

As a stipulation of approval of the Conditional Use Permit (#06UR015) to allow a car wash in a General Commercial District, 84 parking spaces, four to be handicapped access with one of those being "van accessible" were required. The applicant has submitted a Major Amendment to a Conditional Use to reduce the number of required parking spaces to 73 parking spaces from the required 84 parking spaces. Staff has noted that the applicant needs to provide a floor plan of the existing structures located on the site so that the required parking can be calculated based on the use.

Staff has noted that a floor plan identifying the associated use within the structure has been submitted for review and approval. The use within the building has changed from the original Conditional Use Permit (#06UR015). A portion of the building that was previously listed as part of the convenience store is now identified as being a museum. Staff has noted that this change in use reduces the parking requirement to 64 parking spaces. The applicant's site plan identifies that 73 parking spaces will be provided. Staff finds that adequate parking has been provided.

Staff finds that additional information is need to complete the review for a Major Amendment to a Conditional Use permit. Staff recommends that this item be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.

Staff recommends that the Major Amendment to a Conditional Use Permit be approved assuming compliance with the stated stipulations.