

STAFF REPORT
August 9, 2007

**No. 07PD049 - Planned Commercial Development - Initial and Final
Development Plan**

ITEM 40

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07PD049 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NE1/4 SE1/4, Section 30, T2N, RA Tract of land located in the W1/2 NE1/4 SE1/4 and the E1/2 NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the East Quarter Corner (E1/4) of said Section 30 Thence S66°45'19"W a distance of 1023.63'; to the eastern most corner of the subject Tract, said eastern most corner being the Point of Beginning; Thence with a curve turning to the left with an arc length of 327.53', with a radius of 650.00', with a chord bearing of S52°55'43"W, with a chord length of 324.08'; Thence N51°30'25"W a distance of 218.05'; Thence S89°59'19"W a distance of 73.68'; Thence N00°00'41"W a distance of 467.52' to the southerly right-of-way line of Interstate Route 90; Thence following the said the southerly right-of-way line of Interstate Route 90; with a curve turning to the right with an arc length of 490.15', with a radius of 2144.34', with a chord bearing of S76°43'44"E, with a chord length of 489.08'; Thence departing the said the southerly right-of-way line of Interstate Route 90; S00°00'41"E a distance of 231.96'; Thence S22°56'58"E a distance of 69.09'; to the Point of Beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.75 acres
LOCATION	South of I-90 and east of LaCrosse Street and north of Farnwood Avenue
EXISTING ZONING	General Commercial District (Initial Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Initial Planned Commercial Development)

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East:	General Commercial District (Initial Planned Commercial Development)
West:	General Commercial District (Initial Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/29/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval. In particular, the proposed landscape island located along Eglin Street shall be expanded and/or revised or a separate landscape island shall be provided within this area of the property to provide direction to motorists entering and/or exiting the property;
2. Prior to Planning Commission approval, the construction plans shall be revised to show the "pork chop" island as a raised island with curb and gutter in lieu of a painted island in order to have any effectiveness in controlling traffic and insuring that the approach operates as a right-in/right-out approach;
3. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval clearly identifying the limits of curb along the landscaped areas and within the parking area;
4. Prior to Planning Commission approval, a grading and drainage plan shall be submitted;
5. Prior to Planning Commission approval, water and sewer plans shall be revised to show the water mains west of the property located within a 25 foot wide easement, with ten feet separation from the main to the property line. In addition, the plans shall be revised to show water and sewer service lines. The construction plans shall also be sealed and signed by a South Dakota licensed Professional Engineer;
6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
7. Prior to issuance of a building permit, 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. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to insure that legal access and utility easements are in place as needed;
9. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;
10. A minimum of 228,540 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, the size of the proposed trees and shrubs at the time of planting shall comply with the

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- approved landscape plan, print date May 11, 2007. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
11. Prior to issuance of a sign permit, the proposed four foot wide by 28.75 foot high ground sign consisting of stacked chairs and the 7 foot wide by 30 foot high ground sign located along Interstate 90 shall be revised to comply with the Sign Ordinance or a Variance from the Sign Board of Appeals shall be obtained. In particular, the two signs shall be designed as one sign on a single base or a minimum 100 foot separation between the signs shall be provided. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be insignificant in nature, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs 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;
 12. Prior to issuance of a building permit for the screening fence along Interstate 90, a permit to work in the right-of-way shall be obtained from the South Dakota Department of Transportation for any portion of the fence to be located in the right-of-way;
 13. Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be sealed and signed by a Professional Engineer;
 14. Prior to issuance of a building permit, construction plans sealed and signed by a Professional Engineer showing the water main profile and water and sewer service lines shall be submitted for review and approval. In addition, the construction plans shall show the water main extending into the lot located west of the subject property. A Utility Easement for the water main crossing the parking lot shall also be recorded at the Register of Deed's Office;
 15. Prior to issuance of a building permit, the construction plans shall be revised to show a minimum five foot separation between private utilities and water and sewer mains;
 16. Prior to issuance of a building permit, an Industrial Pre-treatment Permit shall be obtained for the proposed trash compactor container;
 17. Prior to issuance of a building permit, an access easement shall be recorded at the Register of Deed's Office for the proposed truck route. In addition, prior to issuance of a Certificate of Occupancy, the truck route road shall be constructed;
 18. The Air Quality Permit shall be amended to include the proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
 19. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to

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- accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
20. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 21. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 22. The structure shall be used as a department store or a Major Amendment to the Commercial Development Plan shall be obtained;
 23. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
 24. 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 Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

(Update, July 30, 2007. All revised and/or added text is shown in bold print.) On July 16, 2007, the applicant submitted a revised site plan, a revised landscape plan, a revised sign package, and revised structural elevations. This item was continued at the July 26, 2007 Planning Commission meeting to allow staff sufficient time to review the revised information and to allow the applicant to submit the balance of the outstanding additional information.

The applicant has submitted an Initial and Final Commercial Development Plan to allow a 52,732 square foot commercial building to be constructed on the subject property. The applicant has indicated that the commercial building will contain "Furniture Row" with individual tenants of "Sofa Mart", "Denver Mattress", "Oak Express" and "Bedroom Expressions". The applicant had originally submitted the request as a Final Commercial Development Plan within the "Rushmore Crossing Development". However, the applicant has subsequently requested that Final Commercial Development Plan (File #07PD037) be denied without prejudice. In addition, the applicant has submitted this Initial and Final Commercial Development Plan, eliminating the property from the "Rushmore Crossing Development", in order to allow the signage proposed as a part of the "Furniture Row Development".

On June 4, 2007, the City Council approved a Preliminary Plat application (#07PL038) to subdivide 126.54 acres into 24 commercial lots and to vacate a 30 foot wide private access

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easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement, which included the subject property.

On June 4, 2007, the City Council approved a Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street currently located in an H Lot. In addition, on June 18, 2007, the City Council approved Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot.

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a revised Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

On April 26, 2007, the Planning Commission approved an Initial Commercial Development Plan (File #07PD019) to construct approximately 861,000 square feet of new commercial development on 127 acres, which included the subject property.

On May 21, 2007, the City Council approved a Variance to the Subdivision Regulations application (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Interstate 90, Spruce Street, E. North Street, Sunnyside Avenue and Cambell Street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Rapp Street and the proposed access easements, and, to waive the requirement to dedicate additional right-of-way along Cambell Street and the access easements with stipulations.

On May 24, 2007, the Planning Commission approved a Final Commercial Development Plan application (#07PD032) to construct a 131,748 square foot commercial building. In addition, the Final Commercial Development Plan included Eglin Street right-of-way between LaCrosse Street and E. North Street and the entryways into the development at the intersections of Eglin Street and LaCrosse Street and Eglin Street and E. North Street. The proposed commercial building, a "Target" store, was approved as Phase One of the Rushmore Crossing commercial development.

On June 29, 2007, the applicant submitted this request removing the property from the Rushmore Crossing development. In particular, the applicant has indicated that this is a free standing project separate from the Rushmore Crossing development.

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The property is located between LaCrosse Street and E. North Street on the south side of Interstate 90 and is currently void of any structural development.

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

Design Features: The applicant has submitted elevations of the proposed structure identifying that the building is one story with store fronts for each of the proposed tenants along the north side of the building. In addition, a store front for "Sofa Mart" is proposed along the east side of the building. A screened loading dock area is proposed along the south side of the building. Windows and signage are being proposed along the west side of the building. The structure will be constructed with E.I.F.S. wall finish, concrete masonry unit wall finish, wood fascia, wood timber accents and a metal roof. The submitted color palette identifies the colors as "Brick Red", "Barn Red", "Surrey Beige", "Navajo Bluff", "Aztec Gold", "Teakwood", "Sunset Yellow" and "Antique Bronze". In general, the color scheme includes shades of beige, gold and red.

Staff had previously met with the future tenant and discussed designing the store fronts to face towards Interstate 90. It was identified at that time that the façade along the south and west side of the building must also include store front features such as banding with alternate color schemes, cornices, arches, decorative brick work, decorative metal work, etc. since they face Eglin Street and LaCrosse Street. In particular, it was noted that Eglin Street, extending east from LaCrosse Street, will serve as an entryway to the Rushmore Crossing commercial development. As noted above, the screened loading dock area is being proposed along the south side of the building as it abuts Eglin Street and a large area of bare wall is shown along the west elevation which is visible from LaCrosse Street.

On July 16, 2007, the applicant submitted revised structural elevations of the property. To date, staff has not had sufficient time to review the revised structural elevations. As such, staff is recommending that the Initial and Final Commercial Development Plan be continued.

The structure elevations show a revised screening wall along the south side of the structure. In particular, pillars with brick and exterior insulation finish system are incorporated along the length of the wall. In addition, four colors in various shades of brown are being proposed along the south side of the structure to add dimension and to enhance the appearance along the rear of the structure. Staff is recommending the proposed structure(s) conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan.

Landscaping Plan: A minimum of 166,192 landscape points are required on the lot. The applicant has submitted a landscaping plan showing 187,738 landscape points on the lot. However, the proposed landscaping along Eglin Street does not adequately buffer the loading area proposed along the south side of the building.

On July 16, 2007, the applicant submitted a revised landscaping plan. To date, staff has not had sufficient time to review the revised landscaping plan. As such, staff is recommending

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that the Initial and Final Commercial Development Plan be continued.

The revised landscaping plan identifies 228,540 landscape points on the property. In particular, coniferous and deciduous trees have been added along the proposed screening wall to enhance the appearance of the south side of the proposed structure as it faces Eglin Street. Staff is recommending that the landscaping be provided as proposed. In addition, the landscaping plan must comply with all requirements of the Zoning Ordinance. The size of the proposed trees and shrubs at the time of planting shall comply with the approved landscape plan, print date May 11, 2007. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Signage: The applicant has submitted a sign package identifying wall signs along the proposed commercial structure with additional signage along Interstate 90. On July 16, 2007, the applicant submitted a revised sign package. To date, staff has not had sufficient time to review the revised sign package. As such, staff is recommending that the Initial and Final Commercial Development Plan be continued.

Staff has reviewed the revised sign package and noted that the proposed four foot wide by 28.75 foot high ground sign consisting of stacked chairs and the 7 foot wide by 30 foot high ground sign located along Interstate 90 must be revised to comply with the Sign Ordinance or a Variance from the Sign Board of Appeals must be obtained. In particular, the two signs must be designed as one sign on a single base or a minimum 100 foot separation between the signs must be provided. The balance of the signage must conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be insignificant in nature, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs 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.

Parking: The proposed 52,732 square foot furniture store requires that a minimum of 99 parking spaces be provided. Four of the parking spaces must be handicap accessible with one of the spaces being "van accessible". The parking plan identifies 144 parking spaces with six handicap accessible spaces. In addition, one of the handicap spaces is "van accessible". Staff is recommending that a minimum of 99 parking spaces be provided as required. In addition, four of the parking spaces must be handicap accessible spaces. One of the handicap spaces must be "van accessible". All provisions of the Off-Street Parking Ordinance must be continually met.

On July 16, 2007, the applicant submitted a revised site plan showing the truck route through the property. To date, staff has not had sufficient time to review the revised site plan. As such, staff is recommending that the Initial and Final Commercial Development

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Plan be continued.

Staff has reviewed the revised site plan and noted that the proposed landscape island located along Eglin Street must be expanded and/or revised or a separate landscape island must be provided within this area of the property to provide direction to motorists entering and/or exiting the property. Staff is recommending that the revised site plan be submitted for review and approval prior to Planning Commission approval.

Lighting Plan: The site plan identifies lighting within the parking area. Staff is recommending that lighting be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind.

Access: The site plan identifies two approaches along Eglin Street to serve as access to the site. The western approach is designed as a right-in/right-out approach only. In addition, the construction plans show a painted "pork chop" island within the western approach to direct traffic. Staff is recommending that prior to Planning Commission approval, the construction plans be revised to show the "pork chop" island as a raised island with curb and gutter in lieu of a painted island in order to have any effectiveness in controlling traffic and insuring that the approach operates as a right-in/right-out approach.

Grading/Drainage: A grading and drainage plan must be submitted for review and approval. The site plan must also be revised to show a 25 foot wide major drainage easement along the north lot line in lieu of a 20 foot wide easement. Widening the easement as identified will place five feet of the adjacent parking lot into the easement area. The grading and drainage plan must address whether the parking lot can be constructed within the easement or the site plan must be revised to relocate the parking area outside of the easement. Staff is recommending that the Initial and Final Commercial Development Plan be continued to allow the applicant to submit a grading and drainage plan.

The applicant has revised the associated Preliminary Plat providing a 20 foot wide drainage easement along the north lot line in lieu of a 25 foot wide drainage easement as originally proposed. However, to date a grading and drainage plan has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, a grading and drainage plan be submitted as identified. In addition, the grading and drainage plan must demonstrate that the proposed 20 foot wide drainage easement is sufficient to accommodate the drainage.

Water and Sewer Plans: The water and sewer plans must be revised to show the water mains west of the property located within a 25 foot wide easement, with ten feet separation from the main to the property line. In addition, the plans must be revised to show water and sewer service lines. Staff is recommending that the Initial and Final Commercial Development Plan be continued to allow the applicant to submit revised water and sewer plans as identified. In addition, staff is recommending that prior to Planning Commission approval, the construction plans be stamped by a South Dakota licensed Professional

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Engineer.

To date, the water and sewer plans have not been submitted for review and approval. As such, staff is recommending that the construction plans be submitted as identified prior to Planning Commission approval.

Retaining Walls: The site plan must be revised to show the proposed retaining wall outside of the eight foot wide utility and minor drainage easement. In addition, any retaining walls four feet in height or higher must be designed and stamped by a South Dakota licensed Professional Engineer. **The applicant has submitted a revised site plan showing the proposed retaining wall outside of the eight foot wide utility and minor drainage easement.**

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **August 9, 2007** Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.