

STAFF REPORT
September 20, 2007

No. 07PD061 - Planned Commercial Development - Final Development Plan ITEM 40

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 07PD061 - Planned Commercial Development - Final Development Plan
EXISTING LEGAL DESCRIPTION	<p>A portion of the W1/2 of the SW1/4 of Section 29, and a portion of the SE1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N17°00'43"E, a distance of 726.66 feet to the point of beginning; Thence, first course N61°10'46"W, a distance of 250.17 feet; Thence, second course: N28°40'12"E, a distance of 46.12 feet; Thence, third course: N61°13'39"W, a distance of 47.70 feet; Thence, fourth course: N41°43'19"W, a distance of 37.74 feet; Thence, fifth course: N28°40'12"E, a distance of 58.62 feet; Thence, sixth course: S61°19'48"E, a distance of 83.25 feet; Thence, seventh course: N28°40'12"E, a distance of 163.57 feet; Thence, eighth course: N05°21'27"W, a distance of 36.20 feet; Thence, ninth course: N28°40'12"E, a distance of 184.06 feet; Thence, tenth course: N17°59'12"E, a distance of 23.45 feet; Thence, eleventh course: N12°29'03"E, a distance of 19.50 feet; Thence, twelfth course: S77°30'57"E, a distance of 201.67 feet; Thence, thirteenth course: S18°41'27"W, a distance of 21.84 feet; Thence, fourteenth course: S71°18'33"E, a distance of 168.39 feet; Thence, fifteenth course: N19°01'01"E, a distance of 117.78 feet; to the point curve; Thence, sixteenth course: curving to the right, on a curve with a radius of 106.09 feet, a delta angle of 34°24'46", a length of 63.72 feet, a chord bearing of N36°57'06"E, and chord distance of 62.77 feet, to the point of tangency; Thence, seventh course: N54°09'56"E, a distance of 21.19 feet, to the point of curve; Thence, eighteenth course: curving to the right, on a curve with a radius of 206.00 feet, a delta angle of 04°37'45", a length of 16.64 feet, a chord bearing of N56°28'49"E, and chord distance of 16.64 feet, to the point of tangency; Thence, nineteenth course: N58°47'42"E, a distance of 16.31 feet; Thence, twentieth course: S30°12'35"E, a distance of 34.34 feet; Thence, twenty-first course: S58°47'42"W, a distance of 83.23</p>

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feet; Thence, twenty-second course: S19°01'01"W, a distance of 166.07 feet; Thence, twenty-third course: S26°43'15"W, a distance of 1.69 feet; Thence, twenty-fourth course: N71°13'41"W, a distance of 80.63 feet; Thence, twenty-fifth course: N64°08'06"W, a distance of 37.98 feet; Thence, twenty-sixth course: N70°47'36"W, a distance of 74.50 feet; Thence, twenty-seventh course: S18°41'27", a distance of 236.38 feet; Thence, twenty-eighth course: S22°13'06"E, a distance of 47.56 feet; Thence, twenty-ninth course: S28°40'12"W, a distance of 281.72 feet, to the point of beginning

PARCEL ACREAGE	Approximately 3.437 acres
LOCATION	East of LaCrosse Street and south of U.S. Interstate 90
EXISTING ZONING	General Commercial District (Initial Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District
South:	Low Density Residential District - General Commercial District - General Agriculture District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/27/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Final Development Plan for property legally described as a portion of the SW ¼ of the SW ¼ of Section 29, and a portion of SE ¼ of the SE ¼ of Section 30, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N03°14'31"W, a distance of 908.51 feet to the point of beginning; thence, first course N28°40'12"E, a distance of 58.62 feet; thence, second course: S61°19'48"E, a distance of 83.33 feet; thence, third course: N28°38'27"E, a distance of 163.57 feet; thence, fourth course: S61°19'48"E, a distance of 250.17 feet; thence fifth course: S28°40'12"W, a distance of 236.73 feet; thence sixth course: N60°55'15"W, a distance of 250.17 feet; thence seventh course: N61°13'39, a distance of 47.70 feet; thence eighth course: N41°43'18"W, a distance of 37.74 feet, to the point of beginning; containing 64,702 square feet or 1.485 acres more or less be approved with the following stipulations:

1. Prior to Planning Commission approval, revised building elevations shall be

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- submitted for review and approval showing additional design features along the sides and rear of the building. In addition, the revised elevations shall show that all roof top mechanical equipment is screened from view along all four sides of the equipment. The applicant shall also confirm that the roof top color is dark gray;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 3. 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;
 4. Prior to issuance of a building permit, the applicant shall identify the scope of the utilities to be constructed as a part of this phase of the development to insure that fire hydrants and water and sewer mains are being provided as needed. In addition, a Final Plat shall be approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility and drainage easements are in place as needed;
 5. Prior to issuance of a building permit, the applicant shall enter into a parking agreement to insure that a minimum of 450 parking spaces are being provided and located within 300 feet of the main entry into the building. In addition, nine of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 6. Prior to issuance of a building permit, the design of the retaining wall in excess of four feet in height shall be sealed and signed by a Professional Engineer;
 7. Prior to issuance of a sign permit, the sign package shall be revised to comply with the Sign Code or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage;
 8. 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 accommodate Fire Department apparatus. The proposed structure shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
 9. The structure shall be used as a sporting goods retail store or a Major Amendment to the Commercial Development Plan shall be obtained;
 10. 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,
 11. 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.

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GENERAL COMMENTS:

(Update, September 10, 2007. All revised and/or added text is shown in bold print.)
This item was continued at the August 23, 2007 Planning Commission meeting to allow the applicant to revise the boundaries of the Planned Commercial Development. On August 24, 2007, the applicant submitted a revised legal description for this application reducing the boundary to include the footprint of the commercial structure only. In addition, the applicant submitted a Final Commercial Development Plan (#07PD074) to construct 1,250 parking spaces with landscaping for the Rushmore Crossing development.

The applicant has submitted a Final Commercial Development Plan to construct "Scheels", a 50,000 square foot sporting goods retail store with a full basement, as a part of the Rushmore Crossing development. In addition, the applicant has submitted a Final Commercial Development Plan (#07PD060) to construct 1057 parking spaces with landscaping within the eastern portion of Rushmore Crossing development. The applicant has also submitted a Final Commercial Development Plan (#07PD062) to construct 129 parking spaces with landscaping within the central portion of the Rushmore Crossing 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 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

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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.

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 structural elevations for the commercial structure identifying a one story building with a peaked roof along a portion of the center of the structure. The balance of the roof has been designed as a flat roof. The applicant has indicated that the structure will be constructed with 12 inch concrete masonry unit wall finish, stone veneer, cast stone and exterior insulation finish system. In addition, the applicant has submitted colored elevations and sample building materials identifying that the structure will be constructed in shades of brown with hunter green accents along the entrance. The side and rear elevations consist of tan colored concrete masonry block wall finish with no additional architectural features. However, future commercial development is anticipated around the entire structure. As such, staff is recommending that the building elevations be revised to show additional design features along the sides and rear of the building. As an example, banding with alternate color schemes, cornices, arches, decorative brick work, decorative metal work, additional roof details etc. could be incorporated into the design of the proposed building.

The applicant has submitted a site plan showing the sight line of the roof top mechanical equipment from the parking lot located in the front of the commercial building. In particular, the site plan identifies that the roof top mechanical equipment is not visible from the parking lot. However, all roof top mechanical equipment must be screened from view along all four sides of the equipment. As such, staff is recommending that the applicant submit revised elevations showing the screening as identified.

The applicant has also submitted a colored elevation showing the roof as dark gray in color. Staff is recommending that the applicant confirm that the proposed color is dark gray as shown.

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Staff is recommending that prior to Planning Commission approval, revised building elevations be submitted for review and approval showing additional design features along the sides and rear of the building. In addition, the revised elevations must show that all roof top mechanical equipment is screened from view along all four sides of the equipment. The applicant must also confirm that the roof top color is dark gray.

Signage: The proposed lot does not abut right-of-way. Instead an access easement extending south from Eglin Street will serve as access to the proposed lot. As such, the Sign Code limits signage on the property to a maximum of 24 square feet. The applicant is proposing to construct two signs along the front of the building, a 2 foot six inch by 21 foot five inch illuminated entrance sign and a four foot by 34 foot three inch illuminated sign east of the entrance resulting in a total of 193 square feet of signage. As such, staff is recommending that prior to issuance of a sign permit, the sign package be revised to comply with the Sign Code or a Variance from the Sign Board of Appeals must be obtained or the Ordinance must be amended to allow the proposed signage.

Retaining Wall: The site plan identifies a retaining wall along the north side of the loading dock ramp. Staff is recommending that prior to issuance of a building permit, the design of the retaining wall in excess of four feet be sealed and signed by a Professional Engineer.

Infrastructure Improvements: The construction plans show water mains and service lines extending south from Eglin Street to serve the proposed lot. Staff is recommending that the applicant identify the scope of the utilities to be constructed as a part of this phase of the development to insure that fire hydrants and mains are being provided as needed. In addition, a Final Plat must be approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility easements are in place as needed.

Boundaries: The applicant has indicated that the boundaries of the Planned Commercial Development will be revised to exclude the adjacent parking lot(s) and landscaping plan. In particular, the boundaries of the Commercial Development Plan will be revised to include the footprint of the building only. In addition, the applicant has indicated that a separate Final Commercial Development Plan will be submitted to address the parking and landscaping. As such, staff is recommending that the Final Commercial Development Plan be continued to allow the applicant to revise the boundaries of the Planned Commercial Development as requested by the applicant. Parking and landscaping for this phase of the development will be reviewed as a part of the associated Final Commercial Development Plan. **As noted above, the applicant submitted a Final Commercial Development Plan (#07PD074) to construct 1,250 parking spaces with landscaping for the Rushmore Crossing development, which included parking for this sporting goods retail store. Since the parking is located on an adjacent property, staff is recommending that prior to issuance of a building permit, the applicant enter into a parking agreement to insure that a minimum of 450 parking spaces are perpetually being provided and located within 300 feet of the main entry into the building. In addition, nine of the parking spaces must be handicap accessible spaces. Two of the handicap spaces must be "van accessible". All provisions of the Off-Street Parking Ordinance must be continually met.**

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Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **September 20, 2007** Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.