

STAFF REPORT  
January 10, 2008

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**No. 07PD095 - Major Amendment to a Planned Commercial Development**      **ITEM 34**

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GENERAL INFORMATION:

APPLICANT/AGENT	Stoney Creek Plaza, LLC - c/o NWE Management
PROPERTY OWNER	Stoney Creek Plaza, LLC
REQUEST	<b>No. 07PD095 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 2 of Stoney Creek South Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.86 acres
LOCATION	5606 Sheridan Lake Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - Medium Density Residential District
South:	General Commercial District
East:	General Commercial District - Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	12/10/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

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

1. Upon approval by the Growth Management Director, banners may be allowed for grand openings; however, in no case shall the banner be displayed for a time period of more than 15 days. In addition, banners shall not exceed 60 square feet, and shall only be allowed when installed on the primary building(s);
2. Upon approval by the Growth Management Director, a single mounted electronic message board sign may be allowed to be used for grand openings and shall not be displayed for a time period more than 15 days. In addition, the portable, trailer mounted, electronic message board sign shall not be placed within any parking stall, drive aisle, public right-of-way or site triangle;

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3. Prior to the display of any temporary signs the applicant shall obtain a Temporary Sign Permit;
4. The provisions of the landscape ordinance shall be continually met; in addition, all landscaping shall be maintained in a live vegetative state; and,
5. All applicable provisions of the Fire Code shall be continually met.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Commercial Development to revise the approved sign package to allow for additional temporary signage for grand openings. The property is located east of the southwest corner of the intersection of Catron Boulevard and Bendt Drive. An Initial and Final Commercial Planned Development (#07PD001) was approved by Planning Commission on March 22, 2007. Currently a 5,500 square foot commercial building is located on the property, an additional 7,000 square foot building is proposed for the site in the future. The property is zoned General Commercial District.

The Initial and Final Commercial Planned Development (#07PD001) was approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;
3. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
4. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
5. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
6. The proposed commercial structure shall be used as retail, office, furniture store, photography studio, office supply store, restaurant and medical facility uses. In particular, no more than 2,880 square feet of restaurant area may be allowed or additional parking shall be provided. In addition, no on-sale liquor or adult oriented business uses are allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development;
7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign 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;
8. A minimum of 45,313 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
9. A minimum of 53 parking spaces shall be provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In

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- addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  11. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
  12. All International Fire Codes shall be met; and,
  13. 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.

**STAFF REVIEW:**

Staff has reviewed the applicant's request and noted the following considerations:

**SIGNAGE:**

The applicant is proposing additional temporary signage for grand openings. The applicant is requesting the use of a 4 foot by 8 foot electronic message portable sign, which is mounted on a trailer. Section 15.28.50 D allows for a trailer mounted sign as long as the sign and the trailer does not exceed 1,000 pounds. Staff has noted that the applicant's proposed trailer mounted electronic message sign weights 800 pounds and meets this requirement. The applicant has submitted a site plan identifying that the proposed portable sign will be located on the northeast portion of the property and be visible from Catron Boulevard. Staff has noted that the portable sign cannot be placed within any parking stall, drive aisle, or public right-of-way, and cannot be located with any site triangle.

The applicant is also requesting the use of a six foot by eight foot banner to be placed upon the building. Section 15.28.050 F permits banners for grand openings; however, the display of banners shall not exceed 15 days. Staff finds that is appropriate to allow temporary signs for grand openings of new businesses in accordance with the general purposes of the adopted sign regulations. However, to avoid abuse of the "grand openings" provisions the recommended language of the code gives discretion to the Growth Management Director. This is particularly important due to the proximity of residential development in the area.

**PARKING:**

The applicant's site plan identifies 55 off-street parking spaces, three of which are handicap spaces, one of which is van accessible. The proposed uses require 55 off-street parking spaces. Staff finds that the site plan meets the minimum off-street parking requirements of the Rapid City Municipal Code. However it is important to note that the portable temporary sign cannot be located within the parking area, or the project may be in violation of the off-street parking requirements.

**LANDSCAPING:**

A minimum of 45,254 landscaping points is required. The applicant's site plan identifies that 45,313 points are being provided. Staff has noted that the applicant's landscaping plan meets the minimum requirements of Rapid City Municipal Code.

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ELEVATIONS:

Current building elevations of the commercial structure include a façade constructed of earth-toned brick with pre-cast stone, metal awnings, and drivet accents. The applicant is proposing no changes to the elevations other than the installation of the temporary banners for grand openings flat against the wall of the primary structures.

NOTIFICATION:

The required sign has been posted on the property. As of this writing the white and green cards from the required mailings have not been returned. Staff will notify the Planning Commission at the January 10, 2008 meeting if cards have not been returned. Staff has had no calls or inquires stating objection to this request.

Staff recommends that the applicant's request be approved assuming compliance with the stated stipulations.