

STAFF REPORT
January 10, 2008

No. 07PD101 - Major Amendment to a Planned Commercial Development **ITEM 39**

GENERAL INFORMATION:

APPLICANT	Bruce Ashland
AGENT	Schlimgen Design Consultants, Inc.
PROPERTY OWNER	Tara Alyss, LLC
REQUEST	No. 07PD101 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Block 26R and 27 of Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.79 acres
LOCATION	1720 and 1730 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	12/14/2007
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. A one foot by three foot sign for the tax service use shall be allowed. Prior to installation of any sign, a Sign Permit shall be obtained;
2. Prior to installation of an additional door, a Building Permit shall be obtained;
3. Prior to the issuance of a Building Permit, the applicant shall obtain a Flood Plain Development Permit;
4. All applicable provisions of the Flood Plain area requirements shall be continually met;
5. All landscaping shall be maintained in a live vegetative state;
6. All applicable provisions of the Fire Code shall be continually met;
7. Land uses are limited to a tax service and a computer retail/ service use. Any change in

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- land use will require a Major Amendment to a Planned Commercial Development;
8. That no openings be allowed for the north building on the east side; and,
 9. That a five foot setback be allowed along the east property line.

GENERAL COMMENTS:

The applicant is requesting a Major Amendment to a Planned Commercial Development to allow a tax service use on the property. The applicant is proposing to use 196 square feet of a 5,785 square foot building as a tax service in conjunction with an existing computer retail/service. The property is located at the southeast intersection of Wright Street and Haines Avenue. Currently a commercial retail service building is located on the property. A Planned Commercial Development (#1544) was approved by City Council on November 18, 1996. A Major Amendment to a Planned Commercial Development (#1621) to allow a drive through lane on the property was approved by City Council on August 18, 1997. A Major Amendment to a Planned Commercial Development (#00PD025) to allow a change in the building footprint to allow for an automatic teller machine was approved by City Council on July 10, 2000. The property is currently zoned General Commercial District.

The original Planned Commercial Development (#1544) was approved with the following stipulations:

1. Prior to City Council approval a grading plan is submitted for review and approval;
2. Prior to City Council approval, all requirements of the Flood Area Construction Regulations, Section 15.32, of the Rapid City Municipal Code are met;
3. That a Major Drainage Easement is retained for the 100 year floodplain;
4. That the access onto Haines Avenue is eliminated;
5. The Wright Street access be narrowed to a maximum 28 feet in width;
6. That a five foot setback be allowed along the east property line;
7. That no openings be allowed for the north building on the east side;
8. That a 25 foot setback be retained along Haines Avenue;
9. That the solid screening fence along the east property be constructed so that the finished side faces east and that the fence be constructed of wood material and is maintained in good condition at all times;
10. That the screening fence be four feet in height for the first 25 feet from Wright Street property line and six feet in height for the remainder of the portion of the east property line to the 100 year flood plain boundary;
11. That all parking be eliminated from the 70 foot sight triangles;
12. That prior to City Council approval, a revised parking plan showing the revised building location, access points and sizes, parking lot arrangement, 100 year flood plain, and detailed landscape plan be submitted for review and approval;
13. That the associated rezoning request be approved;
14. That the land uses be limited to computer/ electronic sales and services, and;
15. That developmental lot document be filed with the Register of Deeds or appropriate joint access and parking easement be recorded.

STAFF REVIEW:

The applicant is requesting a Major Amendment to a Planned Commercial Development to

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allow for a tax service use on the property. Stipulation #14 of the Original Planned Development (#1544) states "That the land uses be limited to computer/ electronic sales and services." Staff has reviewed the applicant's request and noted the following considerations:

PARKING:

The applicant has submitted a site plan identifying 29 off-street parking spaces including two handicap off-street parking spaces, one of which is van accessible. The 196 square feet of a tax service use requires five spaces per 1,000 square feet of gross square foot area. Staff has noted that one off-street parking space is required for the tax service use. The remaining 5,598 square feet of the computer retail/ service use requires five spaces per 1,000 square feet of gross square foot area. The existing computer retail/ service requires 28 off-street parking spaces. Staff has noted that the applicant has adequate parking and meets the minimum standard of Section 17.50.270.

LANDSCAPING:

A total of 28,895 landscaping points are required for the site. The applicant has submitted a site plan identifying 29,000 landscaping points including shrubs, small trees, and ground cover on site. Staff has noted that the applicant's landscape plan complies with the minimum requirements of Section 17.50.200.

ELEVATIONS:

Building elevations consist of earth toned brushed concrete, metal roofing, with a series of windows and darker earth toned accents. The applicant is plans to install an additional door on the north elevation of the building. Prior to installation of the proposed door the applicant is required to obtain a building permit. Staff notes that no other alterations to the building elevations are being proposed.

SIGNAGE:

The applicant is proposing an additional 1 foot by three foot sign on the western elevation of the business to advertise the tax service. Prior to installation of any proposed signs the applicant is required to obtain a sign permit.

FLOODPLAIN:

A portion of the building is located within the Federally designated 100 year flood plain. Prior to the issuance of a Building Permit, the applicant is required to obtain a Flood Plain Development Permit.

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 the cards have not been returned. Staff has had no calls or inquires stating objection to this request.

Staff finds that the applicant's proposed tax service use is an allowed use within a General Commercial District. Adequate off-street parking is provided for the proposed use on site and the proposed use is compatible with other uses in the area. In addition staff feels that the

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proposed use will not have a significant impact on traffic on the property, or cause adverse effects on abutting properties. For these reasons staff recommends that the Major Amendment to a Planned Commercial Development request to allow a tax service use in addition to the computer retail/ service use be approved assuming compliance with the stated stipulations.