

STAFF REPORT  
January 24, 2008

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**No. 07PD098 - Planned Commercial Development - Initial and Final ITEM 24  
Development Plan**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	<b>No. 07PD098 - Planned Commercial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	Tract C-2 of McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.39 acres
LOCATION	West of Haines Avenue and north of Kathryn Avenue
EXISTING ZONING	General Commercial District - Medium Density Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential II District
South:	General Commercial District - Medium Density Residential District
East:	General Agriculture District - General Commercial District
West:	Low Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/13/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. The property shall be used as a convenience store with an "off-sale liquor establishment". Any other use shall require a Major Amendment to the Planned Commercial Development;
2. Access to the site shall be taken from Kathryn Avenue or the applicant shall obtain an exception from City Council to take additional access to the site from Haines Avenue;
3. A building permit shall be obtained prior to any construction and a Certificate of

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- Occupancy shall be obtained prior to occupancy;
4. **The parking plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved parking plan;**
  5. **The lighting plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved lighting plan;**
  6. **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. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, 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 shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
  7. **The landscape plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved landscape plan;**
  8. **All applicable provisions of the International Fire Code shall be continually met;**
  9. **All construction shall comply with the approved building elevations; and**
  10. **The Planned Commercial Development shall expire if the use has not commenced 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.**

GENERAL COMMENTS: (Update January 15, 2008. All revised text is shown in bold.) All revised and/or added text is shown in bold print. This item was continued to the January 24, 2008 Planning Commission to allow the applicant to submit additional information. The applicant is requesting approval of an Initial and Final Development Plan for a Planned Commercial Development. The subject property is located north of Kathryn Avenue and west of Haines Avenue. Currently, the subject property is void of structural development. The applicant has submitted plans proposing to construct a convenience store with an "off-sale liquor establishment" on the subject property.

STAFF REVIEW: Staff has reviewed this request with respect to the criteria established for planned developments identified in Section 17.50.060 of the Rapid City Municipal Code and has noted the following issues:

Approaches: Staff noted that the proposed approaches on Haines Avenue and Kathryn Avenue exceed the maximum width for an approach to a commercial site. Staff noted that the approaches shall be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant shall obtain an exception to the Rapid City Street Design Criteria Manual. In addition the applicant shall revise the plans removing the approach along Haines Avenue or obtain an exception to the Rapid City Street Design Criteria Manual to take access from the higher traveled street. As such, staff recommends that the Planned Commercial Development – Initial and Final Development Plan be continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit a revised site plan for review and approval or obtain the required exceptions to the Rapid City Street Design Criteria Manual.

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**On January 7, 2008 an exception to the Rapid City Street Design Criteria Manual (#07EX153) was approved to allow an approach to exceed the maximum width of 28 feet per the Rapid City Street Design Criteria Manual.**

**On January 7, 2008 exceptions to the Rapid City Street Design Criteria Manual (#07EX154 and #07EX155) were denied to allow an approach to exceed the maximum width of 28 feet and to take access from the higher traveled street per the Rapid City Street Design Criteria Manual. The appeal of the denial of these exceptions will be considered at the January 29, 2008 Public Works Committee meeting.**

**On January 14, 2008 the applicant submitted a revised plan removing the approach along Haines Avenue. As such, staff recommends that access to the site shall be taken from Kathryn Avenue or the applicant shall obtain an exception from City Council to take additional access to the site from Haines Avenue.**

Building Permits: Staff noted that a building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy.

Parking Plan: The Rapid City Municipal Code requires that 45 off-street parking stalls be provided for the proposed development. The applicant's site plan shows a total of 48 off-street parking stalls with two being handicapped accessible. Staff noted that the proposed parking plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Lighting: Section 17.50.270 requires that lighting be provided for all parking areas when evening usage is anticipated. Staff noted that no lighting package was submitted with the application. Prior to Planning Commission approval, a lighting package shall be submitted showing all lighting provided is arranged so as to provide security and to reflect light toward the parking areas.

**On January 14, 2008 the applicant submitted a lighting package showing lighting provided on the building and in the fuel canopy and arranged so as to provide security and to reflect light toward the parking areas and away from the adjacent properties.**

Signage: Staff noted that no sign package was submitted with the application. Prior to Planning Commission approval, a sign package must be submitted showing all signage proposed.

**On January 8, 2008 the applicant submitted a sign package for a "Conoco" facility identifying a total of three wall signs on the south and east side of the structure. The applicant also identified one - five panel ground sign. The ground sign will be 30 feet in height. Staff noted that the proposed sign package appears to meet the minimum requirements of Section 15.28 of the Rapid City Municipal Code. Staff recommends that 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. Changes to**

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**the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, 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 shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.**

Fencing: Staff noted that the properties to the west and north of the proposed project are zoned various types of residential districts. When a general commercial zoning district is adjacent to a residential district, an opaque ornamental screening fence not less than 5 nor more than 6 feet in height shall be constructed along the adjacent property lines and shall be maintained in good condition. Prior to Planning Commission approval, a revised plan must be submitted showing the location of the proposed fence to screen these properties.

**On January 10, 2008 the applicant submitted a revised plan demonstrating an opaque cedar fence six feet in height to screen the adjacent properties.**

Screening: Staff noted that the screening of dumpsters or exterior air handling units was not indicated on the plans. Prior to Planning Commission approval, a revised plan must be submitted showing the location and screening of these items.

**On January 10, 2008 the applicant submitted a revised plan demonstrating an opaque cedar fence six feet in height to screen the dumpsters and exterior air handling units.**

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. The landscape plan submitted shows 100,094 landscaping points provided which exceeds the 97,918 points required. A minimum of fifty percent of the required landscaping shall be located in the parking lot or within twenty feet of the parking lot. The landscape plan submitted shows 49,167 landscaping points provided within the parking lot area which exceeds the 40,167 points required. Staff noted that the proposed landscape plan meets the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

Fire Safety: Staff noted that all applicable provisions of the International Fire Code shall be continually met.

Proposed Uses: The Rapid City Police Department is reviewing the issue of an off-sale liquor store at this location. As such, staff would recommend that this item be continued to the January 24, 2008 Planning Commission to allow the Rapid City Police Department to complete their review.

**The applicant is proposing to construct a convenience store with an “off-sale liquor establishment” on the subject property. Staff has been in contact with the Rapid City Police Department regarding the concerns with the proposed off-sale liquor store. Staff will notify the Planning Commission of any additional comments from the Police Department relative to this matter.**

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Drainage and Grading: Staff noted that the drainage and grading plans were previously approved through the building permit process.

Wastewater System: Staff noted that the cleanouts shall not exceed a distance of 100 feet for a six inch diameter pipe. It appears the cleanouts are located approximately 145 feet apart. Prior to Planning Commission approval, a revised utility plan shall be submitted for review and approval.

**On January 14, 2008 the applicant submitted a revised utility plan meeting all the requirements as identified.**

Design Standards: Staff noted that the applicant submitted building elevations indicating the structure will be constructed with Dryvit and masonry siding and will be earth tone in color.

Notification Requirement: **The sign has been posted on the property and the certified mailings have been returned.**