

STAFF REPORT
February 7, 2008

No. 07PD080 - Major Amendment to a Planned Commercial Development **ITEM 39**

GENERAL INFORMATION:

APPLICANT	Core States Engineering
AGENT	Kadrmaz, Lee and Jackson
PROPERTY OWNER	WalMart Real Estate Business Trust
REQUEST	No. 07PD080 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lot A of Lot 5R of Meridian Subdivision, located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.01 acres
LOCATION	1200 North LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District with a Planned Commercial Development/Medium Density Residential District
South:	General Commercial District/Medium Density Residential District with a Planned Residential Development
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/7/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be denied without prejudice.

GENERAL COMMENTS: (Update January 29, 2008. All revised text is shown in bold.)

This item was continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit the required information. As of January 29, 2008 the required information has not been submitted. Staff would note that this item has been continued numerous times since September 2007 to allow the applicant to submit the additional information. In the January 25, 2008 Staff Report, staff

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recommended that if the required information was not brought forward prior to the February 7, 2008 Planning Commission Meeting, staff would recommend that this item be denied without prejudice at that time. To date, no additional information has been submitted. As such, staff recommends that the Major Amendment to a Planned Commercial Development be denied without prejudice.

The property is located east of LaCrosse Street and north of East Anamosa Street. Property located north of the subject property is zoned General Commercial District with a Planned Commercial Development and Medium Density Residential District. Property located south of the subject property is zoned General Commercial District and Medium Density Residential District with a Planned Residential Development. Property located west of the subject property is zoned General Commercial District. Property located east of the subject property is zoned Medium Density Residential District.

On November 1, 1993 City Council approved a Planned Commercial Development (#1222) for the property with stipulations.

On May 2, 1994 City Council approved a Major Amendment to a Planned Commercial Development (#1299) for the property with stipulations.

On September 9, 1997 City Council approved a Major Amendment to a Planned Commercial Development (#1626) for the property with stipulations.

On September 18, 2000 City Council approved a Major Amendment to a Planned Commercial Development (#00PD032) for the property with stipulations.

On August 6, 2001 City Council approved a Major Amendment to a Planned Commercial Development (#01PD041) for the property with stipulations.

On August 20, 2001 City Council approved a Major Amendment to a Planned Commercial Development (#01PD043) for the property with stipulations.

On May 22, 2003 Planning Commission approved a Major Amendment to a Planned Commercial Development (#03PD019) for the property with stipulations.

On December 8, 2005 City Council approved a Major Amendment to a Planned Commercial Development (#05PD064) with the following stipulations:

1. A Building Permit shall be obtained prior to construction and an Occupancy Permit shall be obtained prior to occupancy;
2. All provisions of Section 17.50.270, the Parking Regulations of the Rapid City Municipal Code shall be continually met;
3. All requirements of the 2003 International Fire Code shall be continually met;
4. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and be maintained in a live vegetative state and replaced as necessary;

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5. With the approval of this Major Amendment to the Planned Commercial Development, an exception to the Parking Regulations to allow the reduction of six off-street parking spaces is hereby approved;
6. With the approval of this Major Amendment to the Planned Commercial Development, an exception to the Parking Regulations to allow the reduction of the total off-street parking spaces from 1,133 off-street spaces to 1,123 off-street spaces;
7. Prior to Planning Commission approval, a revised landscaping plan showing the required landscaping points located on site shall be submitted for review and approval;
8. Prior to obtaining a Building Permit, surety shall be posted for the landscaping or the landscaping shall be planted in compliance with Chapter 17.50.300 of the Rapid City Municipal Code; and,
9. All stipulations of the previous Major Amendment to a Planned Commercial Development (00PD032) shall be continually met.

The applicants are now requesting a Major Amendment to a Planned Commercial Development to revise the parking plan previously approved. They have indicated that no other modifications or improvements are being request at this time. The applicants have also submitted a Layout Plat to create a separate 0.76 acre lot for the existing gas station and leave the remainder of the lot as an unplatted balance. (See companion item #07PL120)

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development and has noted the following considerations:

Parking: The previously approved Major Amendment to a Planned Commercial Development (#05PD064) for the property required 1,123 off-street parking spaces to be provided for the existing development. The applicants are now proposing to reduce the number of parking stall by one stall to provide a handicap accessible stall for the proposed Lot 1 of Lot A of Lot 5R of Meridian Subdivison that includes the existing gas station. Staff noted that the proposed lot requires one standard parking stall and one handicap accessible stall for the existing structure on proposed Lot 1 of Lot A of Lot 5R of Meridian Subdivison and the remainder of the 23 stalls are for the existing Wal-Mart store. In addition, the proposed lot lines divide two existing access aisles to the parking stalls. As such, staff recommends that this item be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to provide a shared parking easement to allow for the shared off-street parking facilities between the proposed Lot 1 of Lot A of Lot 5R of Meridian Subdivison and the unplatted balance.

Landscaping: The applicant's site plan identifies that 776,357 landscape points are provided on the entire property and 33,250 landscape points are provided on the proposed Lot 1 of Lot A of Lot 5R of Meridian Subdivison. Staff noted that the 776,357 landscape points meet the requirements of the previously approved Major Amendment to a Planned Commercial Development (#5PD064). However, an evaluation of the property indicates a total of 647,580 landscaping points are located on site in a live vegetative state but the additional 128,777 landscape points required as part of the previously approved Major Amendment to a Planned Commercial Development (#05PD064) have not been installed. As such, Staff recommends that prior to Planning Commission approval, a minimum of 776,357 landscape

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points shall be installed or a bond shall be submitted for the additional 128,777 required landscape points.

Signage: Staff noted that the existing Wal-Mart sign located adjacent to Lacrosse Street is an off-premise sign that does not comply with Chapter 15.28 of the Rapid City Municipal Code. Chapter 15.28 requires a minimum 1,000 feet of separation between off-premise signs and two sign credits to obtain an off-premise sign permit. Staff noted that there is currently an off-premise sign located directly across the street on the west side of LaCrosse Street. The off-premise sign shall be removed and relocated to an area in compliance with Chapter 15.28 of the Rapid City Municipal Code or the property shall be replatted to convert the sign to an on-premise sign, or a Variance from the Sign Board of Appeals shall be obtained. Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to address the issues with the sign code violation.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the October 4, 2007 Planning Commission meeting if these requirements have not been met.

This item was continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit the required information. As of January 29, 2008 the required information has not been submitted. Staff would note that this item has been continued numerous times since September 2007 to allow the applicant to submit the additional information. In the January 25, 2008 Staff Report staff recommended that if the required information was not brought forward prior to the February 7, 2008 Planning Commission Meeting staff would recommend that this item be denied without prejudice at that time. To date no additional information has been submitted. As such, staff recommends that the Major Amendment to a Planned Commercial Development be denied without prejudice.