

STAFF REPORT  
August 21, 2008

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**No. 08PD007 - Planned Commercial Development - Initial Development Plan**      **ITEM 39**

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GENERAL INFORMATION:

APPLICANT	Whittingham & LeStrange, LPI
AGENT	Douglas W. Hamilton
PROPERTY OWNER	Doug Hamilton, President Whittingham and LeStrange LPS, GP
REQUEST	<b>No. 08PD007 - Planned Commercial Development - Initial Development Plan</b>
EXISTING LEGAL DESCRIPTION	<p>A Parcel of land, located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being the southwesterly lot corner of Lot 1 of Block 1 of Aladdin Heights Subdivision, recorded at the Pennington County Register of Deeds Office in Plat Book 12 Page 158, which is marked by a 5/8" rebar with survey cap marked "LS 6117", said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 1 of Block 1 bearing S89°54'29"E and a distance of 157.84 feet to the southwesterly corner of Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence</p>

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Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning

PARCEL ACREAGE	Approximately 23.024 acres
LOCATION	East of U.S. Highway 16 and north of Promise Road
EXISTING ZONING	General Commercial District (Planned Commercial Development) - Park Forest District
SURROUNDING ZONING	
North:	General Commercial District - General Commercial District
South:	General Commercial District (Planned Development Designation)
East:	Park Forest District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/8/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial Development Plan be **denied without prejudice at the applicant's request.**

GENERAL COMMENTS:

**(Update, August 15, 2008. All revised and/or added text is shown in bold print.) On August 15, 2008, the applicant submitted a request that this item be denied without prejudice. As such, staff is recommending that the Initial Commercial Development Plan be denied without prejudice at the applicant's request.**

(Update: July 11, 2008. All revised and/or added text is shown in bold.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. As of this writing, the required information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the August 21, 2008 Planning Commission meeting.

(Update: June 13, 2008. All revised and/or added text is shown in bold.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. As of this writing, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the July 24, 2008 Planning Commission meeting.

(Update: May 26, 2008. All revised and/or added text is shown in bold.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. As of this writing, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the June 26, 2008 Planning Commission meeting.

(Update: May 9, 2008. All revised and/or added text is shown in bold.) This item was continued at the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. To date, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the June 5, 2008 Planning Commission meeting.

(Update: April 28, 2008. All revised and/or added text is shown in bold.) This item was continued at the March 27, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. To date, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the May 22, 2008 Planning Commission meeting.

(Update: April 10, 2008. All revised and/or added text is shown in bold.) This item was

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continued at the March 27, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. To date, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the May 8, 2008 Planning Commission meeting.

(Update: March 17, 2008) This item was continued at the March 6, 2008 Planning Commission meeting to allow the applicant to submit additional information and to meet the notification requirement. To date, the information has not been submitted for review and approval nor has the notification requirement been met. As such, staff is recommending that the Initial Commercial Development Plan be continued to the April 10, 2008 Planning Commission meeting.

The applicant has submitted an Initial Commercial Development Plan to allow a 200,000 square foot "Wal-Mart Supercenter" to be constructed on the property.

On May 11, 2007, the applicant submitted a Preliminary Plat (File #07PL0667) to subdivide approximately 78 acres into eleven lots, which includes this property. In addition, the applicant submitted a Variance to the Subdivision Regulations (File #07SV026) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U.S. Highway 16 as they abut the 78 acres. The applicant has also submitted a Rezoning request (File #07RZ043) to change the zoning designation on a portion of the property, a 0.448 acre parcel, from Park Forest to General Commercial. In addition, the applicant has submitted an Amendment to the adopted Comprehensive Plan (File #07CA023) to change the future land use designation from Park Forest to General Commercial with a Planned Commercial Development on the 0.448 acre parcel.

The Preliminary Plat and the Variance to the Subdivision Regulations have been continued several times to allow the applicant to submit additional information. Please note that to date, all of the information has not been submitted.

On February 21, 2008, the Planning Commission recommended that the Rezoning and the Comprehensive Plan Amendment to the Future Land Use Plan requests be denied. The City Council will consider the requests at their March 3, 2008 City Council meeting.

The property is located east of U.S. Highway 16 and north of Promise Road. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Initial Planned Commercial Development and has noted the following considerations:

**Zoning:** As noted above, the City Council will consider a Rezoning request to change the zoning designation on a portion of the property, a 0.448 acre parcel, located along the eastern portion of the property from Park Forest to General Commercial and an Amendment to the adopted Comprehensive Plan to change the future land use designation from Park

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Forest to General Commercial with a Planned Commercial Development on the 0.448 acre parcel at their March 3, 2008 City Council meeting. Since the site plan will significantly change if the Rezoning and Comprehensive Plan Amendment requests are not approved, staff is recommending that the Initial Commercial Development Plan be continued to allow the City Council to act on the associated requests and/or to allow the applicant to revise the site plan if needed. On March 3, 2008, the City Council denied without prejudice the Rezoning and Comprehensive Plan Amendment requests at the applicant's request. As such, the site plan must be revised to eliminate this area from the project or new Rezoning and Comprehensive Plan Amendment request(s) must be approved to allow this area to be a part of the commercial development.

Design Features: The applicant has submitted elevations of the "Wal-Mart Supercenter" showing the building as a one story structure in tones of brown and copper with cultured stone, wood beams, split face concrete masonry unit, copper roof panels along a portion of the front of the building and ornamental metal fencing around the cart area and the garden area. However, dimensions are not shown on the elevations demonstrating the height of the structure. Staff is also concerned with the overhead service doors along the east side of the building and the noise impact this will have on the adjacent properties. In addition, it is unclear what architectural features are being shown along the east side of the building within the garden area site.

Due to the proposed finished grade of the development site in relation to the U.S. Highway 16 right-of-way, area properties and the residential development located east of this property, staff has previously requested that diagrams showing the line of sight from the adjacent properties to the proposed building be submitted as a part of the Initial Commercial Development Plan application. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Initial Commercial Development Plan be continued to allow the applicant to submit the previously requested information. In addition, elevations showing the location, size and noise rating of any exterior roof top mechanical equipment and proposed screening have also been requested.

Parking Plan: The site plan identifies parking for the "Wal-Mart Supercenter" being provided at a ratio of 4.99 parking spaces per 1,000 square foot gross floor area for a total of 958 parking spaces with 27 of the parking spaces being handicap accessible. However, the Parking Regulations require that parking be provided at a ratio of 5 parking spaces per 1,000 square foot gross floor area for a total of 1,000 parking spaces. In addition, 20 of the spaces must be handicap accessible and three of the handicap spaces must be "van" accessible. Staff is recommending that the Initial Commercial Development Plan be continued to allow the applicant to submit a revised site plan showing 42 additional parking spaces as required.

Landscaping Plan: The applicant has submitted a conceptual landscaping plan showing a row of landscaping along the perimeter of the property. In addition, the landscaping plan shows an approximate 40 foot wide by 560 foot long landscape boulevard located within the center of the parking lot in lieu of smaller landscape islands throughout the parking lot. The landscaping plan also identifies additional landscaping at the entrance to the site.

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As a part of a Final Commercial Development Plan application, a complete landscaping plan must be submitted for review and approval. In particular, a minimum of 802,752 landscaping points must be provided. Berms and mass plantings should also be incorporated into the landscapes zones to screen off-street parking areas from the U.S. Highway 16 roadway and the adjacent properties as well as to screen the commercial structure from the adjacent properties. Staff is recommending that all landscape areas be irrigated to insure the growth of the plant materials and to insure that the materials are maintained in a healthy condition. In addition, staff is recommending that the irrigation system be installed with sensors to avoid wasting water.

Staff is recommending upon submittal of a Final Commercial Development plan, a complete landscaping plan be submitted for review and approval. In particular, the landscaping plan must be revised to provide a planter island at a ratio of one such island for every fifty parking spaces or the applicant must submit a request to reduce the ratio of required planter islands as required by Chapter 17.50.030 of the Landscape Regulations. In particular, the applicant must demonstrate that the proposed landscape boulevard reduces the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and must identify the specific size and plant material proposed within each boulevard. Staff supports the concept of utilizing landscape boulevards pending review of the specific size, location and proposed materials.

Sign Package: The elevations submitted for the "Wal-Mart Supercenter" identify wall signs along the front of the building. However, a complete sign package for the "Wal-Mart Supercenter" showing dimensions, building material, color and ground signs has not been submitted. Staff is recommending that upon submittal of a Final Planned Commercial Development application, a sign package be submitted for review and approval. In addition, plant materials must be incorporated around the base of any ground signs to aide in integrating the signs with the site development.

Dumpster: As a part of a Final Commercial Development Plan application, the location and size of all dumpsters must be submitted for review and approval. In addition, the dumpsters must be screened and elevations of the screening fence must be submitted for review and approval.

Lighting Plan: As a part of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting must be submitted for review and approval. In addition, the lighting must be designed to be reflected within the property boundaries so as not to 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. Staff recommends that the lighting plan be respectful of the night skies through the provision of proper lighting fixtures and fixture shades.

Truck Route: The site plan shows the truck loading and unloading area located along the rear of the building. Staff is recommending that upon submittal of a Final Commercial Development Plan, the applicant submit the projected truck delivery times for review and

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approval.

Retaining Wall: The site plan shows a retaining wall along a majority of the perimeter of the property. Staff is recommending that upon submittal of a Final Commercial Development Plan, elevations of the retaining wall be submitted for review and approval. In addition, any retaining wall in excess of four feet must be designed, sealed and signed by a Professional Engineer.

Overnight Parking: As a part of a Final Commercial Development Plan, the applicant must identify if any overnight parking of recreation vehicles within the parking lot is being proposed. Please note that due to the residential development located east of the property and the limited access into the site, staff is recommending that overnight parking be prohibited from the site and that signs be posted as needed.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). The Fire Department has also indicated that prior to issuance of a building permit, all weather access roads must be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. Staff is recommending that all International Fire Codes be continually met.

Infrastructure Improvements: As previously indicated, the applicant has also submitted a Preliminary Plat to subdivide approximately 78 acres into eleven lots, which includes this property. However, the Preliminary Plat has been continued several times to allow the applicant to submit additional information and to allow staff to review recently submitted information. On February 8, 2008, the applicant submitted revised construction plans and reports and a revised plat document. Staff has reviewed the revised plat document and noted that access has not been shown to the balance of Lot 5, Tower Ridge No. 2 Subdivision as previously requested. In addition, it does not appear that building envelopes exist on the balance of Lots 5 and 7 of Tower Ridge No. 2 Subdivision due to the size and configuration of the lots. As such, the plat document must be revised to address these issues. Providing access and building envelopes on the properties as noted may significantly alter the site plan submitted with this application. As such, staff is recommending that the Initial Commercial Development Plan be continued to allow the applicant to address the issues as identified.

Please note that prior to issuance of a Building Permit, a Preliminary Plat and/or the construction plans must be reviewed and approved to insure that the outstanding issues specific to the subdivision improvements have been addressed. In addition, staff is recommending that prior to issuance of a Certificate of Occupancy, a Final Plat be approved to insure that all rights-of-way and access easements have been recorded. Staff is also recommending that prior to the opening of the "Wal-Mart Supercenter", all of the infrastructure improvements including street improvements and utility extensions be completed.

Notification Requirement: As of this writing, the mailing notices and the sign have not been

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picked up from the Growth Management Office.