

STAFF REPORT

March 5, 2009

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**No. 09PD002 - Planned Commercial Development - Initial and Final  
Development Plan**

**ITEM 28**

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GENERAL INFORMATION:

APPLICANT/AGENT	Andy Scull for Scull Construction Company, Inc.
PROPERTY OWNER	Jim Scull
REQUEST	<b>No. 09PD002 - Planned Commercial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	A Parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Point of Beginning of said parcel being identical with the northeasterly corner of Lot 7 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap marked "Thingelstad SD RLS 4371" said corner being the Point of Beginning; THENCE FIRST COURSE: along the southerly Right-of-Way line of Jess Street a bearing of S89°51'26"E and a distance of 257.00 feet to the northeasterly corner of said Parcel; THENCE SECOND COURSE: along a line bearing S00°09'09"W and a distance of 224.44 feet to a the southeasterly corner of said Parcel and an intersection with the northerly line of Lot K-2S Less Lot H1 & Creek Drive Right-of-Way; THENCE THIRD COURSE: along said northerly line of said Lot K-2S a bearing of N89°52'58"W and a distance of 257.00 feet to the southeasterly corner of said Lot 7 of SSJE Subdivision which is marked with a 5/8" rebar; THENCE FOURTH COURSE: along the easterly line of said Lot 7 a bearing of N00°09'09"E and a distance of 224.55 feet to the Point of Beginning
PARCEL ACREAGE	Approximately 1.325 acres
LOCATION	Northeast of the intersection of Jess Street and Kermit Lane
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Commercial District (Planned Commercial

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East: Development)  
General Commercial District - Heavy Industrial District  
West: General Commercial District (Planned Commercial Development)

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 2/5/2009

REVIEWED BY Travis Tegethoff / Ted Johnson

**RECOMMENDATION:**

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

1. 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;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A complete Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;
4. The 7 foot high opaque screening fence shall be constructed with wood or similar materials and not constructed with chain link fencing and slats;
5. The currently adopted International Fire Code shall be continually met;
6. Prior to issuance of a building permit, a shared access agreement shall be reviewed and approved by the City Attorney's office and recorded at the Register of Deeds Office;
7. Prior to issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual for review and approval;
8. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Industrial Development Plan application or a subsequent Major Amendment; and,
9. The Planned Commercial Development shall expire if the use is not undertaken 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

**GENERAL COMMENTS:** The applicant has submitted a Planned Commercial Development - Initial and Final Development Plan to construct a 41,067 square foot building materials sales yard on the property. The property is located south of Jess Street and east of Cambell

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Street and is currently void of any structural development.

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:

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

Access: Staff noted that this lot will provide access to the property to the west. As such, staff recommends that prior to issuance of a building permit a shared access agreement must be recorded at the Register of Deeds Office that has been reviewed and approved by the City Attorney's office.

Screening: Staff noted that the applicant has submitted a site plan demonstrating a 7 foot high opaque screening fence along the north, west and east sides of the building materials sales yard. Staff recommends that the fence be constructed with wood or similar materials and not constructed with chain link fencing and slats.

Landscaping: A minimum of 41,067 landscaping points are required. The applicant's site plan identifies that 41,079 points are being provided. The plan appears to comply with all applicable requirements of Section 17.50.300 of the Rapid City Municipal Code. Staff recommends that a minimum of 41,067 landscaping points 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.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual, which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to issuance of a building permit the applicant shall submit an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual for review and approval.

Notification Requirement: To date, the certified mailings have not been returned but the sign has been posted on the property. Staff will notify the Planning Commission at the March 5, 2009 Planning Commission meeting if the legal notification requirements have not been met.