

STAFF REPORT
April 23, 2009

No. 09PD013 - Major Amendment to a Planned Commercial Development to expand the development area and allow a Financial Institution **ITEM 28**

GENERAL INFORMATION:

APPLICANT	Kendra Lettau
AGENT	Mark Bigelbach
PROPERTY OWNER	Midland Properties
REQUEST	No. 09PD013 - Major Amendment to a Planned Commercial Development to expand the development area and allow a Financial Institution
EXISTING LEGAL DESCRIPTION	Tract G of Rushmore Crossing of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.11 acres
LOCATION	851 Eglin Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development to expand the development area and allow a Financial Institution be approved with the following stipulations:

1. Prior to Planning Commission approval the approach must be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant must

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2. obtain an exception to the Rapid City Street Design Criteria Manual; Prior to Planning Commission approval, the approach shall be revised to be constructed as a right-in and right-out approach to comply with the previously approved construction plans for Eglin Street;
3. Prior to Planning Commission approval, revised structural elevations including the color of the roof shall be submitted for review and approval. In addition, the revised elevations must show screening along all roof top mechanical equipment;
4. Prior to Planning Commission approval, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
5. Prior to Planning Commission approval, a sign package shall be submitted for review and approval. 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 Industrial 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;
6. Prior to Planning Commission approval, 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;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. The permitted uses shall be a department store and a financial institution or a Major Amendment to the Commercial Development Plan shall be obtained;
9. 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;
10. An Air Quality Permit must be obtained prior to any surface disturbance of one acre or more;
11. The currently adopted International Fire Code shall be continually met;
12. A minimum of 612 parking spaces shall be provided. In addition, 14 of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
13. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
14. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment;
15. All applicable stipulations of the previously approved Planned Commercial Development still apply to this Major Amendment to a Planned Commercial Development; and,
16. The Planned Commercial Development shall expire if the use is not undertaken and completed 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

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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 Major Amendment to a Planned Commercial Development to expand the development area to include the property is located at the southwest corner of Eglin Street and Luna Avenue. That part of the site had not been proposed for development as part of the Final Commercial Development Plan (#08PD032) for the Target Planned Development. The applicant is now requesting approval of a Major Amendment to allow a financial institution in addition to the previously approved department store. Currently, Target has been constructed within the approved Planned Development.

On May 24, 2007, the Planning Commission approved a Final Commercial Development Plan (File #07PD032) to allow a 131,748 square foot commercial building to be constructed on the property with the following stipulations:

1. Prior to Planning Commission approval, revised structural elevations with a matching color palette for the commercial structure shall be submitted for review and approval. Prior to issuance of a building permit, the applicant shall show screening along all roof top mechanical equipment;
2. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved to insure that all of the infrastructure improvements for the development have been addressed. In addition, a Final Plat shall be reviewed and approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility easements are in place as needed;
3. The landscaping shall be planted in compliance with the planting plan sheets, print date of April 27, 2007. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. Prior to issuance of a sign permit, the monument signs located along Interstate 90 shall be revised to comply with the Joint Identification Sign Ordinance with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage. In addition, the signs shall be relocated outside of the E. North Street right-of-way or a portion of the right-of-way shall be vacated to allow the proposed signage. The entryway signs shall be designed to show all signage on the supporting wall with no signage protruding beyond the height or length of the supporting wall;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;

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7. Prior to issuance of a building permit for the screening fence along Interstate 90, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation for any portion of the fence to be located in the right-of-way. In addition, the applicant shall enter into a maintenance agreement with the South Dakota Department of Transportation for the landscaping to be located within the Interstate 90 right-of-way;
8. Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be stamped by a Professional Engineer;
9. Prior to issuance of a building permit, a revised grading and drainage plan shall be submitted for review and approval;
10. Prior to issuance of a building permit, construction plans stamped by a Professional Engineer showing the water main profile and water and sewer service lines shall be submitted for review and approval. In addition, the construction plans shall show the water main extending into the lot located west of the subject property. A Utility Easement for the water main crossing the parking lot shall also be recorded at the Register of Deed's Office;
11. Prior to issuance of a building permit, the construction plans shall be revised to show a minimum five foot separation between private utilities and water and sewer mains;
12. Prior to issuance of a building permit, an Industrial Pre-treatment Permit shall be obtained for the proposed trash compactor container;
13. Prior to issuance of a building permit, an access easement shall be recorded at the Register of Deed's Office for the proposed truck route. In addition, prior to issuance of a Certificate of Occupancy, the truck route road shall be constructed;
14. The Air Quality Permit shall be amended to include the proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
15. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
16. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
17. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;

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18. The structure shall be used as a department store or a Major Amendment to the Commercial Development Plan shall be obtained;
19. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
20. The Planned Commercial Development shall expire if the use is not undertaken and completed 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.

STAFF REVIEW: Staff has reviewed the Final Commercial Development Plan and has noted the following considerations:

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

Approaches and Drive Lanes: Staff noted that based on the requirements of the Rapid City Street Design Criteria Manual the proposed approach on Eglin Street exceeds the maximum width for an approach to a commercial site. In addition, based on the approved plans for the future construction of Eglin Street the driveway should be constructed as a right-in and right-out approach based on the anticipated traffic, speed of the road, approach locations, and curve of the road. Staff noted that the approaches must 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. As such, staff recommends that prior to Planning Commission approval the approach must be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant must obtain an exception to the Rapid City Street Design Criteria Manual. Further, staff recommends that the approach be constructed and operated as a right-in and right-out approach.

Exception: Staff noted that an exception was approved to allow access from the more traveled street along Eglin Street to provide two approaches to the commercial development and improve site circulation.

Design Features: The applicant has submitted elevations of the proposed structure identifying that the building is a two story structure constructed with brick, stone and metal accents. The color scheme includes earth tone colors with copper accents. However the structure appears to have a flat roof and the applicant has not demonstrated the roof color or the location of mechanical equipment. As such, staff is recommending that prior to Planning Commission approval, revised structural elevations including the color of the roof, be submitted for review and approval. In addition, the revised elevations must show screening along all roof top mechanical equipment.

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Signage: To date the applicant has not submitted a sign package for this property. As such, staff recommends that prior to Planning Commission approval, a sign package shall be submitted for review and approval. 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 Conditional Use Permit. 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.

Parking: The applicant has submitted a site plan as part of this application showing 41 parking spaces, including two handicap spaces. The minimum off-street parking requirements for the proposed use are 40 parking spaces, including two handicap spaces for Tract G of Rushmore Crossing. In addition, the site plan identifies three drive-through lanes with three stacking stalls per lane. Previously 572 parking stalls were required for the Target site of this Planned Commercial Development requiring a total of 612 parking stalls. The submitted site plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Lighting Plan: The site plan identifies lighting within the parking area. Staff is recommending that lighting 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.

Landscaping: A minimum of 45,165 landscaping points are required. The applicant's site plan identifies that 70,390 landscape points are being provided within the developed area which exceeds the minimum requirements of the Landscape Regulations. In addition, the landscape plan provides a mixture of deciduous and coniferous plant material around the property to buffer it from the adjacent properties and right-of-ways. Staff recommends that the landscaping plan 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.

Fire Protection: 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). 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. In addition, the proposed structures must have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code. Staff is recommending that the currently adopted International Fire Codes be continually met.

Air Quality Permit: Staff noted that an Air Quality Permit must be obtained prior to any surface disturbance of one acre or more.

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Dumpster: Prior to Planning Commission approval, 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.

Redline Comments: Staff is recommending that prior Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned