

STAFF REPORT
May 7, 2009

No. 09PD015 - A Major Amendment to a Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District

ITEM 4

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp for Site Dynamics, Inc.
PROPERTY OWNER	BB&R Properties, LLP c/o Jim Browen
REQUEST	No. 09PD015 - A Major Amendment to a Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Lot BR of Schoenhard Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.63 acres
LOCATION	3400 West Chicago
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/9/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;
2. Prior to issuance of a Building Permit, all plans shall be prepared and stamped by a

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- Registered Professional Engineer per SDCL 36-18A;
3. The permitted uses shall be an auto sales office and a communication tower or a Major Amendment to the Commercial Development Plan shall be obtained;
 4. 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;
 5. Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development shall be submitted when the signage information is available;
 6. A minimum of 6 parking spaces shall be provided. In addition, 1 of the parking spaces shall be a handicap accessible space. All provisions of the Off-Street Parking Ordinance shall be continually met;
 7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and maintained in a live vegetative state;
 8. Prior to issuance of a Building Permit, the applicant shall submit a grading and erosion control plan for review and approval as necessary;
 9. All applicable provisions of the International Fire Codes shall be continually met;
 10. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,
 11. The Major Amendment to a 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.

GENERAL COMMENTS: The property is located north of West Chicago Street and east of Sturgis Road at 3400 West Chicago Street. There is currently a sales office and used vehicle display area located on the property. The property is zoned General Commercial District. The properties located south, west and east of the property are zoned General Commercial District. An auto body repair shop and garden center are located adjacent to the property. The property located north of the property is the GCC Dakota Industrial complex and the Old Castle mine.

On July 6, 2006 the Planning Commission denied without prejudice a Conditional Use Permit application at the applicant's request.

On July 27, 2006 the Planning Commission approved a Planned Commercial Development – Initial and Final Development Plan (#06PD046) to allow mini-warehousing on the property with the following stipulations:

1. A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;
2. Prior to issuance of a Building Permit, all plans shall be prepared and stamped by a Registered Professional Engineer per SDCL 36-18A;
3. An exception for the metal siding in lieu of masonry, concrete or wood, or metal

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- simulated wood siding is hereby approved;
4. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;
 5. Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development shall be submitted when the signage information is available;
 6. An exception to the chain link fence without slats in lieu of a chain link fence with slats is hereby approved;
 7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and maintained in a live vegetative state;
 8. Prior to issuance of a Building Permit, the applicant shall submit a grading and erosion control plan for review and approval;
 9. All applicable provisions of the International Fire Codes shall be continually met;
 10. A local manager shall be required and shall be responsible for maintaining the property and the operation of the facility; and,
 11. The Planned Commercial Development – Initial and Final Development Plan 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.

The owner has decided not to construct the proposed mini-warehousing and is now requesting approval of a Major Amendment to Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District.

STAFF REVIEW: Staff has reviewed this request for a Major Amendment to a Planned Commercial as it relates to the Rapid City Municipal Code and has noted the following issues:

Co-Location: A major issue associated with towers is the visual impact the structure will have on the surrounding area and the City in general. Staff noted that there is an existing tower approximately 1,400 feet southwest of the proposed site along Sturgis road. However, the applicant has submitted documentation that the existing tower does not have additional capacity since three sets of antennas are currently installed on that tower. In addition, the applicant is proposing to install a tower that will have the ability to handle three separate cellular providers and appears to be consistent with what the City has required for co-location on communication towers.

Design Features: The applicant is proposing to construct a 100 foot high flagpole antenna structure and equipment cabinets. The front of the proposed structure will be located approximately 260 feet from the front lot. It appears the proposed structure will have a minimal impact on the adjacent property because of the location on the site.

Building Code: Staff noted that a Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the

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building. Staff also noted that all plans shall be prepared and stamped by a Registered Professional Engineer per SDCL 36-18A.

Parking: The applicant has submitted a site plan as part of this application showing six parking spaces, including two handicap spaces. The minimum off-street parking requirements for the proposed use are six parking spaces, including one handicap spaces for the existing auto sales office and proposed tower. The submitted site plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Lighting: Staff noted that the site plan shows existing lighting in the parking lot. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties.

Signage: The applicant's site plan shows the existing signage. Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development must be submitted when the signage is determined. Staff also noted that a sign permit shall be obtained prior to installation of any signage.

Fencing: The applicant is proposing an 8 foot high chain link fence around the proposed structure to match the existing fence on site. The fence appears to meet the minimum requirements of Section 15.40 of the Rapid City Municipal Code.

Landscaping: The Conditional Use Permit will require that 62,345 landscaping points be provided. The applicant's site plan indicates 98,480 landscaping points. Staff noted that the applicant's plans meet the minimum landscape requirements found in Section 17.50.300 of the Rapid City Municipal Code.

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Grading: Staff noted that a grading and erosion control plan was not submitted as part of the application. Staff would recommend that prior to issuance of a building permit the applicant submit a grading and erosion control plan for review and approval as necessary.

Fire Safety: On site fire hydrants shall be provided per provisions of the International Fire Code. Staff noted that the access and circulation through the site appears to accommodate Fire Department apparatus. Staff also noted that the structure must be adequately addressed with 12 inch numbers on a contrasting background and readily visible from the street. Construction must comply with all provisions of the International Fire Code. Adequate fire flow

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to the property must be confirmed prior to obtaining a building permit.

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 May 7, 2009 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Major Amendment to a Planned Commercial Development be approved with the above stated stipulations.