

STAFF REPORT
June 4, 2009

**No. 09PD019 - Planned Commercial Development - Initial and Final
Development Plan in the General Commercial Zoning District**

ITEM 19

GENERAL INFORMATION:

APPLICANT	Dennis Tebeau for T & M, Inc.
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Dennis Tebeau
REQUEST	No. 09PD019 - Planned Commercial Development - Initial and Final Development Plan in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Lots 14, 15 and 16 of Block 3 of Park Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.24 acres
LOCATION	520 Maple Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the construction plans shall be revised to show a minimum 4 foot wide concrete property line sidewalk along Maple Avenue in lieu of the proposed 5 foot wide asphalt property line sidewalk;
2. Prior to Planning Commission approval, an Exception shall be obtained to waive the requirement that the approach be located directly opposite the existing approach on the west side of Maple Avenue or the site plan shall be revised to show the approach in

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- alignment with the existing approach;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
5. The structure shall conform architecturally to the plans and elevations and color palette approved as part of this Commercial Development Plan;
6. A minimum of 9 parking spaces shall be provided. In addition, one of the parking spaces shall be a "van" accessible handicap space. All provisions of the Off-Street Parking Ordinance shall be continually met;
7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. 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 Commercial 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;
8. 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;
9. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
10. All currently adopted International Fire Codes shall be met;
11. A minimum of 8,648 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
12. The Planned Commercial Development shall be used as a dental laboratory with offices and storage. Any change in use shall require the review and approval of a Major Amendment to the Planned Commercial Development;
13. The front yard setback is hereby reduced from 25 feet to 19.2 feet and 8 feet, respectively, for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot front yard setback;
14. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
15. 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 Commercial Development Plan approval expiration date, a one year extension for Final Commercial Development Plan approval

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may be granted.

GENERAL COMMENTS:

The applicant has submitted an Initial and Final Commercial Development Plan to allow a dental laboratory with offices and storage within the existing building located on the property. The proposed occupant, Diamond Dental Studio, produces dental restorations such as crowns and bridges for area dentists. The existing structure is a 4,000 square foot building with 2,000 square feet on the ground floor and a 2,000 square foot basement. The applicant has indicated that the hours of operation for the laboratory are from 7:00 a.m. to 6:00 p.m., Monday through Friday. The laboratory provides pick-up and delivery services to the dental offices that they serve.

The property is located in the southeast corner of the intersection of East Main Street and Maple Avenue. Currently, the 4,000 square foot commercial structure as referenced above is located on the property.

STAFF REVIEW:

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

Design Features: The applicant has submitted an elevation of the existing building identifying a one story structure with a peaked roof. The building is constructed with brick, stone, wood, metal and glass. In addition, the building colors are brown with black and white accents.

Staff recommends that the structure conform architecturally to the plans and elevations and color palette approved as part of this Commercial Development Plan

Parking: Based on the proposed uses, a minimum of nine parking spaces must be provided. In addition, one of the parking spaces must be "van" handicap accessible. The applicant has submitted a site plan identifying 12 parking spaces with one of the spaces being "van" handicap accessible.

Staff recommends that a minimum of nine parking spaces be provided as required. In addition, one of the parking spaces must be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: A minimum of 8,500 landscaping points are required. The applicant's landscaping plan identifies that 8,648 points are being provided. In particular, the landscaping plan shows three trees to be planted along the north lot line and three trees and eight shrubs to be planted along the west lot line to as a buffer between the existing building and the adjacent streets.

Staff is recommending that the landscaping comply with the proposed landscaping plan. The landscaping plan must also comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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Signage: The applicant has submitted a sign package showing an existing 15 foot high pole sign with an internally illuminated 18 inch wide by 12 foot long by 4/12 foot tall face. In addition, a 6 inch by 12 inch wall sign is proposed. The applicant has indicated that both signs will identify the occupant of the building.

Staff is recommending that all signage conform to the sign package submitted as a part of the Planned Commercial Development. 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 Commercial 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 must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Setbacks: The existing structure was constructed in 1977. At that time, the property was zoned Highway Service District which required a minimum 25 foot setback to both East Main Street and Maple Avenue. However, the existing building is located eight feet from the front lot line as it abuts East Main Street and 19.2 feet from the front lot line as it abuts Maple Avenue. There is no record that a Variance was requested and/or obtained to reduce the setbacks to allow the existing structure. As such, it appears that the existing structure is illegal. The property is currently zoned General Commercial District which also requires a minimum front yard setback of 25 feet to both East Main Street and Maple Avenue. The applicant has subsequently requested that the minimum 25 foot setback be reduced to 8 feet and 19.2 feet, respectively, as a part of this Commercial Development Plan.

The applicant is not proposing to expand the structure. In addition, the structure is not located within any sight triangles. Since the structure has been located on the property since 1977 without any apparent adverse affects, staff recommends that the front yard setback be reduced from 25 feet to 19.2 feet and 8 feet, respectively, for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot front yard setback.

Access: The proposed approach to the property from Maple Avenue does not align with the existing approach on the west side of the street as required by the Street Design Criteria Manual. As such, staff recommends that prior to Planning Commission approval, an Exception be obtained to allow the off-set approach as proposed or the site plan must be revised to show the approach in alignment with the existing approach.

Sidewalk: Currently, a 4 foot wide concrete sidewalk is extended along East Main Street as it abuts the property. The applicant is proposing to construct a 5 foot wide property line asphalt sidewalk along Maple Avenue as it abuts the property. However, staff recommends that the sidewalk be constructed with concrete in lieu of asphalt to be consistent with the design standards of the existing sidewalk along East Main Street. In addition, the concrete sidewalk in lieu of an asphalt sidewalk will visually delineate the pedestrian walkway from

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the driving surface of Maple Avenue.

Staff recommends that prior to Planning Commission approval, the construction plans be revised to show a minimum 4 foot wide concrete property line sidewalk along Maple Avenue in lieu of the proposed 5 foot wide asphalt property line sidewalk.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the June 4, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.