

STAFF REPORT

July 9, 2009

No. 09PD020 - Major Amendment to a Planned Commercial Development ITEM 2

GENERAL INFORMATION:

APPLICANT	Chad Carpenter
AGENT	ARC International, Inc.
PROPERTY OWNER	Chad M. Carpenter
REQUEST	No. 09PD020 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.12 acres
LOCATION	5610 Bendt Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Low Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

- 1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**

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2. The air handling units shall be located in compliance with the proposed plan and screened along all four sides;
3. 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);
4. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office;
5. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. 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;
9. A minimum of 17 parking spaces shall be provided with one of the parking spaces being handicap "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 81,660 landscaping points shall 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;
12. Any unused water and sewer services shall be abandoned at the main;
13. The lighting shall 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; and,
14. The Major Amendment to a 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.

GENERAL COMMENTS: (Update: June 26, 2009. All revised and/or added text is shown in bold). This item was continued to the July 9, 2009 Planning Commission meeting to allow the correct legal description to be advertised. The request has been advertised with the correct legal description and corrected notices have been mailed to all

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property owners within 250 feet. As such, staff recommends that this item be approved with the above noted stipulations.

On December 4, 2008, Planning Commission approved an Initial and Final Commercial Development Plan (#08PD053) to allow a professional and medical/dental office building to be located on the above legally described property with the following stipulations:

1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
2. The air handling units and dumpsters shall be located in compliance with the proposed plan and screened along all four sides;
3. 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);
4. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;
5. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. 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;
9. A minimum of 24 parking spaces shall be provided with one of the parking spaces being handicap "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 101,320 landscaping points shall 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;
12. The lighting shall 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; and,
13. The Planned Commercial Development shall expire if the use is not undertaken within

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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 applicant has now submitted a Major Amendment to the Planned Commercial Development to relocate the structure to the north side of the property, reconfigure the parking lot, and reduce the size of the proposed building. In addition, the applicant has indicated that a future structure will be proposed on the southern portion of the property as a part of Phase Two of the development and that a Major Amendment to the Planned Commercial Development must be submitted for review and approval for Phase Two once the design plans are completed.

The property is located south of Catron Boulevard and east of Bendt and is currently void of any structural development.

STAFF REVIEW:

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

Platting: Staff noted that the proposed development is located on three lots. The development will cross common lot lines. Staff recommends that prior to issuance of a building permit the property must be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office.

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

Design Features: The applicant has submitted building elevations of the commercial structure identifying that the proposed building will be two stories in height. The building will be constructed with brick, wood, stone, glass and EFS and be earth tone in color.

Land Use: The applicant has submitted the following of proposed uses within the commercial structures: medical and professional offices. Staff is recommending that the following uses be allowed: professional office and medical facility uses. The addition of a future building and/or any other use or change in use will require a Major Amendment to the Planned Commercial Development.

Signage: Staff noted that a sign package was submitted with the application showing wall signs located on the building totaling 144 square feet in size with no electronic signs or reader boards and ground signs totaling 322 square feet in size with no electronic signs or reader boards.

Staff recommends that all signage 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, may be allowed as a Minimal

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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.

Landscaping: A minimum of 45,854 landscaping points are required. The applicant's site plan identifies that 81,660 points are being provided. In addition, there are numerous existing trees that provide a buffer between the proposed commercial development on the property and the future residential development to the east. 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 81,660 landscaping points must 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.

Parking: The proposed use(s) require that a minimum of 17 parking spaces be provided. In addition, one of the parking spaces must be handicap accessible and be "Van" accessible. The applicant's site plan identifies 17 parking spaces with one handicap accessible space. The plan appears to comply with all applicable requirements of Section 17.50.270 of the Rapid City Municipal Code. Staff is recommending that the parking lot be constructed and maintained in compliance with the parking plan submitted as a part of this application and Section 17.50.270 of the Rapid City Municipal Code.

Lighting: Section 17.50.270 requires that lighting be provided for all parking areas when evening usage is anticipated. The lighting must be arranged so as to provide security and to reflect light toward the parking areas. The proposed lighting plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Fire: The Fire Department has indicated that all International Fire Codes must be met as a part of the design standards for the development. In particular, fire hydrants must be in place and operational prior to or in conjunction with building construction. In addition, the grades and location of access drives and/or streets must comply with the City Street Criteria Manual and the International Fire Code. The Fire Department has also indicated that an address must be posted on the site prior to or in conjunction with building construction. Staff is recommending that all International Fire Codes be continually met.

Air Handling Equipment: The applicant submitted information on the air handling units demonstrating the location, size and noise rating and that the equipment is adequately screened from all adjacent properties.

Drainage: As part of the Planned Commercial Development application, a grading plan and a drainage plan for all improved areas must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. In addition, geotechnical report showing soil resistivity tests must be submitted for review and approval. The applicant submitted a grading and

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drainage plan and geotechnical report for review and approval in compliance with the City of Rapid City's requirements.

Water and Sewer Services: Staff noted that there are numerous water and sewer services stubbed to the proposed development. Any unused services shall be abandoned at the main.

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. The applicant submitted an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual. However, the applicant has not obtained the Erosion and Sediment Control Permit. As such, staff recommends that prior to issuance of a building permit an Erosion and Sediment Control Permit shall be obtained.

Redline Comments: Staff is recommending that prior to issuance of a building permit, 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: Staff noted that the complete legal description was not included in the legal advertisements. As such, staff recommends that this item be continued to the July 9, 2009 Planning Commission meeting.

The corrected legal description has been advertised and new notices have been mailed with the correct legal description. The receipts from the certified mailings have been returned and the sign has been posted on the property. As of this writing, staff has not received any calls or inquiries regarding this proposal.

Staff recommends that this item be approved with the above noted stipulations.