

STAFF REPORT  
August 27, 2009

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**No. 09PD034 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 6**

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GENERAL INFORMATION:

APPLICANT	Rising Properties, LLC
AGENT	Renner & Associates
PROPERTY OWNER	Curtis and Shirley Rising
REQUEST	<b>No. 09PD034 - Planned Commercial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	727 Fairview Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	7/24/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

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

1. A Building Permit shall be obtained prior to construction of the parking lot and a Certificate of Occupancy shall be obtained prior to occupancy;
2. An Erosion and Sediment Control Permit shall be obtained prior to obtaining a Building Permit;
3. The parking lot shall conform to the plans approved as part of this Commercial

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Development Plan;

4. Four parking spaces shall be provided and one of the parking spaces shall be a "van" accessible handicap space;
5. An exception to allow the east parking stall to have a 21 foot aisle width in lieu of the 26 foot required aisle width is hereby approved through this Planned Commercial Development with the stipulation that the stall is marked for compact cars only;
6. The 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;
7. An exception to waive the required screening fence along the eastern boundary of the property is approved for the proposed use only. However, if the use of the subject property changes, the screening fence shall be required along the eastern boundary;
8. A six foot wood screening fence shall be constructed on the northern boundary of the parking lot;
9. A minimum of 7,281 landscaping points shall be provided. The landscaping shall comply with the approved plan and shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,
10. 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.

GENERAL COMMENTS: The applicant has submitted this Initial and Final Development Plan to allow a parking lot on the property at 727 Fairview Street. The parking lot will have four spaces and is to be used as employee parking for the pharmacy located at 1304 Mt. Rushmore Road, adjacent to the property. The proposed parking lot will be located on the southern portion of the lot that is vacant, with access to the parking lot from the alley.

On July 20, 2009, the property was rezoned from Medium Density Residential District to General Commercial District with a Planned Commercial Development (09RZ027). A residential structure will remain on the northern portion of the lot.

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

Parking: The proposed off-street parking lot has four parking spaces with one of the spaces as van handicap accessible. The driveway into the parking lot is 27 feet wide. The applicant has submitted an Exception to the off-street parking requirements to allow one parking space, located on the east side of the lot, to have a 21 foot aisle behind the parking stall in lieu of the minimum required 26 feet. Staff recommends that the exception to allow a 21 foot minimum aisle width be allowed behind the eastern off-street parking space in lieu of the minimum required 26 foot aisle width, with the stipulation that the stall be signed for compact cars only. Curb stops on the four parking spaces are identified on the parking plan to preclude vehicles from encroaching onto the landscape area.

Landscaping: A minimum of 5,923 landscaping points are required. The applicant's

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landscaping plan identifies that 7,281 points are being provided. In particular, the landscaping plan shows a tree located at the southeast corner of the parking lot. There is also an existing tree located north of the parking lot that will continue to be a buffer between the residential structure and the parking lot. Curb stops will be provided along the parking lot to protect the landscaped area. All provisions of the Landscaping Ordinance and the approved plan must be continually met.

Alley Access: The proposed off-street parking plan identifies access to the parking lot being taken from the adjacent paved alley. Alley access is allowed as a secondary means of access as per the Street Design Criteria Manual. An Exception to the Street Design Criteria Manual was submitted and approved to allow access from the alley to the parking lot as the primary means of access.

Drainage: A storm water management plan was submitted and approved. All drainage will flow west from the parking lot into a storm water detention and treatment pond located at the southwest corner of the property. This area will be landscaped with grass. Prior to obtaining a building permit for the construction of the off-street parking lot, an Erosion and Sediment Control Permit must be obtained.

Fence: When a General Commercial Zoning District is located adjacent to a Residential Zoning District, an opaque ornamental screening fence not less than five nor more than six feet in height shall be constructed along the adjacent property lines. An existing chain link fence is located on the north boundary of the proposed parking lot. This fence will be removed and replaced with a six foot opaque wood screening fence to separate the residential use of the property from the commercial use of the parking lot.

The applicant has requested an exception to waive the requirement for a screening fence along the eastern boundary of the property. Currently, an apartment building is located east of the residential structure on the adjacent property. The proposed parking lot will abut the parking lot established for the adjacent apartment building. There is a four foot concrete retaining wall that is located on the adjacent property that will separate the two parking lots. In addition, a large pine tree is located adjacent to the adjoining parking lot. It appears that the retaining wall, the location of the existing landscape materials, and the location of the parking lot on the adjacent property appear to provide an adequate buffer between the commercial parking lot and the adjacent multifamily dwelling structure. For this reason, staff recommends that the request for an exception to waive the required screening fence along the eastern boundary of the property be approved for the proposed use only. Staff recommends that if the use of the property changes, the screening fence shall be required along the eastern boundary.

Retaining Wall: A concrete retaining wall for the existing residential structure is located on the northern portion of the property boundary along the west side. In addition, a chain link fence is located along the western edge of the property. The south 50 feet of the fence will be removed. The existing concrete retaining wall will then be extended south towards the alley. The height of the concrete retaining wall will be two feet at the north and reduced in height to zero feet at the alley.

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Lighting: The applicant has submitted a lighting plan showing the location of a motion sensor light attached to the adjacent building for security purposes. All lighting must 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. As such, the applicant has submitted additional information that the light for the parking lot will be located on the adjacent building in the same location, but will be a stationary low level light that will shine only on the parking lot. The light will be in effect from dusk to dawn. There will not be a light shining onto the alley right-of-way.

Permits: A Building Permit must be obtained prior to the construction of the parking lot. In addition, a Certificate of Occupancy Permit must be obtained prior to use of the parking lot.

Notification Requirement: As of this writing, the required sign has been posted on the property but the receipts for the certified mailing have not been returned. Staff will notify the Planning Commission at the August 27, 2009 Planning Commission meeting if this requirement has not been met. Staff has received any one inquiry regarding this proposal, but no objections.