

STAFF REPORT
August 27, 2009

**No. 09PD036 - Planned Commercial Development - Initial and Final
Development Plan**

ITEM 27

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
REQUEST	No. 09PD036 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots B1 of Menard Subdivision, located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.66 acres
LOCATION	1830 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Developmentg)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial Developmentg)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the applicant shall submit a revised elevation identifying the north and south structural elevation information. Any change to the approved elevation information from this Final Planned Commercial Development will

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- require a Major Amendment;
2. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing the driveway alignment directly across from the approved main entrance driveway onto the Menard site;
3. Prior to Planning Commission approval, the applicant shall submit a revised site plan reflecting the maximum 28 foot driveway width or obtain an exception to the Street Design Criteria Manual for the 40 foot driveway;
4. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that the truck route does not impact the parking spaces located along the south lot line and the east side of the building or the parking spaces shall be relocated and/or eliminated from the site. The revised Truck Route Plan shall continually meet the minimum radii and turning movement requirements;
5. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that the truck delivery service area does not encroach into the drive through lane and/or the drive through lane must be relocated and/or eliminated from the site. A minimum of 40 feet is required for both the 10 foot drive through lane and the 30 foot depth delivery/service area;
6. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that the loading area provides a safe and protected access for delivery staff as well as for vehicular access and meets the requirements of Chapter 17.50.290;
7. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that there is adequate pedestrian access from the site onto the public right-of-way, thus eliminating the pedestrian/vehicular conflict at the driveway;
8. Prior to Planning Commission approval, the applicant shall submit a complete lighting package identifying the design of the proposed lighting for review and approval. In addition, 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;
9. Prior to Planning Commission approval, the applicant shall submit a revised site plan to identify the location of the drive through directional sign. 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;
10. Prior to Planning Commission approval, the applicant shall enter into a covenant agreement with the City of Rapid City for the installation of the three traffic signals or submit a revised traffic study wherein it is determined that the signals are unnecessary;
11. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
12. Prior to issuance of a Building Permit, a Permit to Work in the Right-of-way shall be obtained to remove the existing curb, install the shared access approach and install the sidewalk;

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13. An Air Quality Permit application shall be submitted for review and approval prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;
14. A Stormwater Permit application shall be submitted for review and approval prior to any surface disturbance. In particular, the Stormwater Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;
15. Prior to issuance of a Building Permit, a Preliminary Plat shall be reviewed and approved by the City Council. In addition, prior to issuance of a Certificate of Occupancy a Final Plat shall be approved and recorded;
16. Prior to issuance of a Building Permit, the applicant shall provide a site plan identifying the location of all fire hydrants within five-hundred feet of the property. 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;
17. All access and circulation shall meet the minimum turning widths for Fire Department apparatus including the ladder truck;
18. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development;
19. A minimum of 51 parking spaces shall be provided with three of the parking spaces being handicap accessible spaces. One of the handicap spaces shall be "van accessible". In addition, three stacking spaces shall be provided for the drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met;
20. A minimum of 51,386 landscaping points with a minimum of one planter island shall be provided. In addition, the landscaping shall be in accordance with the approved plans. All landscaping shall also be continually maintained in a live vegetative state and replaced as necessary;
21. A high-end sit down restaurant shall be allowed on the property unless otherwise specifically authorized in this Final Commercial Development Plan or a subsequent Major Amendment. Additionally, on-sale liquor use if ever requested shall be reviewed and approved as a subsequent Major Amendment;
22. 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 application or a subsequent Major Amendment; and
23. 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.

GENERAL COMMENTS: The applicant has submitted an Initial and Final Planned Commercial

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Development to allow Pizza Ranch, a high-turnover sit down restaurant seating 198 customers, on proposed Lot B1. The applicant has also submitted a Layout and Preliminary Plat (File #09PL017) to subdivide Lot B into two lots, Lots B1 and B2. Additionally, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV018) to waive the following requirements to construct: 1) sidewalk and sewer along East North Street; 2) pavement, curb, gutter, sidewalk, water, sewer, and street light conduit along Menard Drive; and 3) pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on a shared access easement to Lots B1 and B2. The applicant submitted a revised Layout and Preliminary Plat adjusting the shared access easement dimension to 40 feet by 40 feet and therefore the subdivision variance requested for the shared access easement to Lots B1 and B2 is no longer necessary.

On March 17, 1997, the City Council approved a Planned Development (File #1573) for a four-phase development. Phase 1 included Menard's Home Improvement Center; Phase 2 included First Western Bank located on the corner of East Anamosa and Eglin Street and the subject property; Phase 3 included approximately 27 acres of future retail area; and Phase 4 is the current site for Menard's outdoor storage facility. The traffic study identified four traffic signal locations: East North Street at East Anamosa Street; East North Street at Menard Drive; Menard Drive at Eglin Street and Eglin Street at East Anamosa Street. During Phase 1, the developer installed the signal at East Anamosa Street as required. The cost of the remaining three signals would be shared between the City of Rapid City and the developers of the "outlot," the "future commercial outlot," and the "future retail area." The signals would be required when traffic warranted the additional signals at the time building permits were issued. The approved phased development also identified four access locations onto Eglin Street for Phase 1, Phase 2 and Phase 3 in order to minimize turning movement conflicts with development on both sides of Eglin Street. The eastern most access to Phase 3 would be constructed when plans for Phase 3 development were submitted for review and approval. An additional access onto East Anamosa Street south of the Menard building was also approved.

The traffic study also indicated that a second access point onto East North Street may be necessary when the entire area was developed. Without the second access to East North Street, the level of service at the intersection of East North Street and East Anamosa Street may not meet acceptable standards. The Traffic Improvement Plan approved in conjunction with the Planned Commercial Development (File #1573) identified that the Menard Drive construction costs would be the responsibility of the developers of adjacent lots.

On June 2, 1997, the City Council approved a Final Planned Commercial Development (File #1588) for construction of Menards Home Improvement Center. The signal at East North Street and East Anamosa Street was installed with financial cooperation between Menard, Inc., the City of Rapid City and the South Dakota Department of Transportation. Additionally, the four access locations into the Phase 1 development (Menards) were also constructed as approved.

On April 16, 2001, the City Council approved a Final Planned Commercial Development (File #01PD011) for construction of the First Western Bank, aligning the access location with

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the western most approved access onto the Menard's site.

The property is located northeast of the intersection of Eglin Street and East Anamosa Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Design Features: The applicant has submitted the front and side elevations of the 4,550 square foot restaurant showing the one story, wood framed structure on a concrete slab. The shingled roof area, fully adhered thermoplastic polyolefin membrane roof is tan in color with parapet walls over the kitchen area to screen the roof top units. The tan and dark brown exterior material pallet includes cement board lap siding, board and batten wall siding, a signage parapet, cedar posts, exterior porch roofs, field stone wainscoting and red entry doors. The applicant's structural elevations indicate two designs for the south elevation. As such, a revised elevation must be provided for review and approval identifying the north and south structural elevation information.

Use: Pizza Ranch, a high-turnover sit-down restaurant seating 198 customers, will be located on the proposed Lot B1. The facility is served by a 40 foot by 40 foot shared access approach to Lots B1 and B2. The restaurant will have a pick up window located on the south side of the building, where customers call ahead for ordering and drive through the pickup window for their food. There is no exterior ordering area. The proposed use is permitted within the General Commercial Zoning District. Staff is recommending that the structures be used as proposed unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment. In addition, on-sale liquor use if ever requested must be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment.

Shared Access Easement: Currently, the proposed plat identifies a 52 foot southerly shift in the 1997 approved location of the access to Lots B1 and B2. The applicant submitted an exception to the Street Design Criteria Manual for this offset approach; however, the exception request has been denied.

Spacing between driveway approaches must be sufficient to allow vehicles to safely queue, accelerate, decelerate, and cross conflicting traffic streams without excessive interference with through traffic or traffic using adjacent driveways. The Street Design Criteria Manual specifies a minimum of 125 feet of separation between driveways on collector routes with a 30 mile per hour speed limit. With a high volume collector route (greater than 5,000 vehicles per day) in a commercial area, a 200 foot separation is desirable for driveways. The 2008 traffic count on Eglin Street between Beale and Anamosa Street is approximately 3,000 vehicles per day; however, less than 40 percent of the Menard Subdivision has been constructed. The proposed high-turnover sit-down restaurant is anticipated to generate an additional 720 average trips per day. The remaining vacant lots east of East Anamosa Street within the original Menard Planned Commercial Development when fully developed is

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anticipated to house approximately 202,000 square feet of retail trade and could potentially generate 8,000 vehicle trips per day.

As such, Eglin Street is anticipated to become a high volume collector requiring a minimum of 125 feet of separation if not 200 feet of separation. Therefore, staff recommends that prior to Preliminary Plat approval, the applicant shift the lot line to the northeast in order to align the proposed shared access with the constructed access to the south.

Driveway width: Currently, the applicant's site plan identifies a 40 foot driveway width. The applicant has indicated their intent to submit an exception to the Street Design Criteria Manual for a driveway exceeding the maximum 28 foot driveway width. As of this writing, staff has not received the exception request. Additionally, the access across Eglin Street into the Menard Home Improvement Center main entrance is 36 feet in width. As such, staff recommends that the applicant submit a revised site plan reflecting the maximum 28 foot driveway width or obtain an exception to the Street Design Criteria Manual for the 40 foot driveway.

Parking: The applicant has identified 70 on-site parking stalls, inclusive of three ADA accessible stalls. Based on the proposed structure, 51 stalls are required with three of the parking spaces being handicap accessible spaces. One of the handicap spaces shall be "van accessible". In addition, three stacking spaces shall be provided for the drive through window. All other provisions of the Off-Street Parking Ordinance shall be continually met.

Access Aisles: The applicant's site plan identifies 20 foot wide access aisles located between the north and south diagonal parking stalls as required. The site plan also identifies that the delivery truck turning movements encroach into several designated parking spaces, the drive through lane, and all three handicapped accessible parking spaces. As such, prior to Planning Commission approval, a revised site plan must be submitted demonstrating that the truck route does not impact the parking spaces located along the south lot line and the east side of the building or the parking spaces must be relocated and/or eliminated from the site. Please note that a minimum of 51 parking spaces must be provided for the proposed use.

If the associated Layout and Preliminary plat is revised to relocate the lot line and shared access to the northeast in order to align the access with the 1997 approved approach location, sufficient area could be provided for the truck turning movements without encroaching into the parking spaces and the drive through lane.

Pedestrian Access: The applicant's site plan identifies a 4 foot wide pedestrian sidewalk located along the east property line in the public right-of-way as required. However, there is no pedestrian connection from the sidewalk to the site. As such, prior to Planning Commission approval, a revised site plan must be submitted demonstrating that there is adequate pedestrian access from the site onto the public right-of-way, thus eliminating the pedestrian/vehicular conflict at the driveway.

Service Area: Chapter 17.18.050(C) states that a minimum of 30 feet in depth must be provided

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for the service area along the rear of the building for truck delivery. The applicant's site plan shows that only 22.34 feet is available for the service area. As such, prior to Planning Commission approval, a revised site plan must be submitted demonstrating that the truck delivery service area does not encroach into the drive through lane and/or the drive through lane must be relocated and/or eliminated from the site. Please note that a minimum of 40 feet is required for both the 10 foot drive through lane and the 30 foot depth delivery/service area.

Chapter 17.50.290 states that in all commercial districts where the building is devoted to retail trade, there shall be provided and maintained on the lot a minimum of 12 feet by 40 feet of space for vehicle standing, loading and unloading. As such, prior to Planning Commission approval, a revised site plan must be submitted demonstrating that the loading area provides a safe and protected access for delivery staff as well as for vehicular access.

Landscaping Plan: The applicant's site plan identifies that 51,386 points of irrigated, landscaping plant material will be installed. Based on the 4,550 square feet of building area for the Pizza Ranch, 49,315 landscaping points are required. As such, the applicant's site plan identifies the required landscaping material. Additionally, the landscaping plan must continually comply with all requirements of the Zoning Ordinance.

Lighting Plan: The site plan identifies lighting for the two structural signs. However, to date the design of the proposed parking lot lighting has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, a complete lighting package identifying the design of the proposed lighting be submitted for review and approval. In addition, the 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.

Sign Package: The applicant's submittal information identifies two structural signs, one directional sign and one monument sign. However, the site plan does not identify the location of the drive through directional sign. As such, staff is recommending that prior to Planning Commission approval, a revised site plan be submitted to identify the location of the drive through directional sign. Additionally, the sign package must continually comply with all requirements of the Sign Code. Any changes to the sign package as submitted must be reviewed and approved as a part of the Final Commercial Development Plan application or a subsequent Major Amendment.

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.

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Traffic Signals: As previously indicated, the City Council approved the original Planned Development to include three additional traffic signals with the cost allocated among the outlot(s) development. The traffic study indicated that the signals were not necessary until the signal warrants were met. As such, staff recommends that prior to Planning Commission approval, the applicant enter into a covenant agreement with the City of Rapid City for the installation of the three traffic signals on cost share basis or submit a revised traffic study identifying that the signals are unnecessary.

Notification Requirement: As of this writing, the receipts from the certified mailings have been returned.