

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

GENERAL INFORMATION:

APPLICANT	Tim Norberg
AGENT	Schlimgen Design Consultants, Inc.
PROPERTY OWNER	Sports Saloon, Inc.
REQUEST	No. 09PD046 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 12 thru 23 of Block 8 of St. Elmo Addition No. 1, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.93 acres
LOCATION	2101 Mount Rushmore Rd.
EXISTING ZONING	General Commercial District (Planned Commercial District)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District - Shopping Center I District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/11/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the dumpster relocated to an area on the property that precludes encroachment into the alley right-of-way. In addition, the site plan shall be revised to show screening around the dumpster and the grease barrels. The screening fence shall be a six foot high wooden fence with a gate to match the existing exterior elevation along the buildings west side;
2. Prior to Planning Commission approval, the applicant shall demonstrate paved access to

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

- all areas on the site accessed from the alley;
3. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the existing curb stops located along the west side of the northern parking space and the west side of the southern parking space as they abut the alley;
4. Prior to Planning Commission approval, the site plan shall be revised showing the existing permanent bench located west of the southwestern corner of the building to insure that it does not encroach into the alley right-of-way;
5. Prior to Planning Commission approval, the applicant shall demonstrate screening for the rooftop equipment along the rear of the building to mitigate its impact on the adjacent residential development;
6. An Exception is hereby granted to waive the requirement to provide an opaque ornamental screening fence along the west lot line of the property; however, an opaque ornamental screening fence shall be provided around the dumpster and grease barrel storage area;
7. Prior to issuance of a permanent Certificate of Occupancy, the water and sewer service lines shall be abandoned at the main as per the City's Utility Construction Code;
8. Prior to issuance of a permanent Certificate of Occupancy, the broken sidewalk along St. Anne Street shall be repaired;
9. A minimum 6 foot rear yard setback shall be maintained along the west lot line for the existing commercial structure. No further encroachments into the 15 foot rear yard setback shall be allowed. All other setbacks shall be provided in compliance with the General Commercial District;
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 the Commercial Development Plan or a subsequent Major Amendment;
11. A permanent Certificate of Occupancy shall be obtained;
12. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the previously approved Initial and Final Commercial Development Plan;
13. The signage shall conform to the design, color and location as shown in the sign package approved with the original Initial and Final Planned Commercial Development. Changes to the 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;
14. 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;
15. A minimum of 35,780 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

16. A minimum of 58 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible spaces as shown on the site plan. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
17. The currently adopted International Fire Code shall be continually met;
18. A full service restaurant with on-sale liquor, an arcade and a gift store shall be allowed on the property unless otherwise specifically authorized as a Major Amendment to the Commercial Development Plan; and,
19. 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 a Major Amendment to a Planned Commercial Development to eliminate the requirement to provide a screening fence along the west lot line as it abuts a residential district, to eliminate screening the rooftop equipment along the rear of the building, to relocate the dumpster(s), to relocate the handicap accessible parking spaces and to revise the landscaping plan.

On May 12, 2009, the Planning Commission approved an Initial and Final Commercial Development Plan (#09PD017) to allow an on-sale liquor establishment in conjunction with a full service restaurant and to allow an arcade with a gift shop to be constructed on the property. The applicant has constructed the one story 7,788 square foot structure on the property. The City has issued a temporary Certificate of Occupancy noting that the site has not been constructed in compliance with the approved construction plans and/or the approved site plan. As such, the applicant has submitted this Major Amendment to the Planned Commercial Development to seek approval of the revisions as noted above in order to obtain a permanent Certificate of Occupancy.

The property is located west of Mount Rushmore Road between Saint Anne Street and Flormann Street. The motel that was previously located on the property has been removed and, as noted above, the 7,788 square foot restaurant has been constructed.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Commercial Development and has noted the following considerations:

Handicap Accessible Parking Spaces: The approved site plan identified three handicap accessible parking spaces located directly north of the main entrance. However, the slope of the parking lot within this area of the property does not meet minimum ADA design standards. As such, the handicap accessible parking spaces have been constructed directly east of the main entrance. The distance between the previously approved location and the

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

constructed location of the parking spaces to the main entrance is approximately the same. In addition, the slope of the parking lot within this area of the property meets minimum ADA design standards. As such, staff recommends that the request to relocate the handicap accessible parking spaces as currently constructed be approved.

Landscaping: A minimum of 32,232 landscape points are required as per the Landscape Ordinance. The previously approved landscape plan for the property identified 32,500 landscaping points. In particular, the landscaping plan identified a mix of trees and shrubs along the perimeter of the property. In addition, trees and shrubs are shown along the outdoor patio area.

The applicant has submitted a revised landscaping plan showing 35,780 landscape points. The plan continues to show a mix of trees and shrubs along the perimeter of the property and along the outdoor patio area. Since additional landscaping is being provided and since the placement of the plant material continues to provide a buffer between the property and the adjacent street right(s)-of-way, staff recommends that the revised landscaping plan be approved as proposed. In particular, a minimum of 35,780 landscape points must be provided as proposed. In addition, the landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Dumpster: The applicant has requested to relocate the dumpster from the southwest corner of the building to the west side of the building adjacent to the alley right-of-way. However, The Fire Department has indicated that a minimum 5 foot separation must be provided between the dumpster and the wall of the building as per the International Fire Code. It does not appear that there is sufficient room between the exterior wall of the building and the west lot line of the property as it abuts the alley right-of-way to provide the separation as per the International Fire Code. In addition, this portion of the alley has not been paved. Placing the dumpster(s) along the west side of the building will require that the alley be paved up to the access point of the dumpster as per the City's Parking Regulations.

Staff met on site with the property owner to review the potential locations for the dumpster. It was identified that the existing concrete aprons located adjacent to the southwest corner of the building and the northwest corner of the building may serve as possible locations for the dumpster. In addition, it was noted that the grease barrels currently located on the concrete apron northwest of the building must also be screened. The applicant indicated that a revised site plan will be submitted showing the dumpster(s) relocated to one of the concrete aprons. In addition, the applicant indicated that a wood screening fence, matching the existing exterior elevation of the west wall of the building, will be provided around the dumpster(s) and the grease barrels.

Staff recommends that prior to Planning Commission approval, a revised site plan be submitted for review and approval showing the dumpster(s) relocated to an area on the property that precludes encroachment into the alley right-of-way. In addition, the site plan must be revised to show screening around the dumpster(s) and the grease barrels. The screening fence shall be a 6 foot high wooden fence with a gate to match the existing

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

exterior elevation along the buildings west side. In addition, the applicant must demonstrate paved access to the dumpster(s) and the grease barrels.

Screening: Chapter 17.18.080 of the Rapid City Municipal Code states that when a General Commercial Zoning District is located adjacent to a residential district, an opaque ornamental screening fence not less than 5 or more than 6 feet in height shall be constructed along the adjacent property lines and shall be maintained in good condition. The applicant has requested that this requirement be waived.

Staff has reviewed the request and noted that the existing west wall of the building serves as a screen between this property and the residential lots located west of the site. In addition, the 20 foot wide alley serves to separate the residential district from this property. The applicant is also proposing to provide a 6 foot high wood screening fence around the dumpster and grease barrels which will provide additional screening between the properties.

Since the existing wall of the building and proposed screening fence around the dumpster and grease barrels will serve as a buffer to the adjacent residential district and since the alley provides additional separation between the residential district and this property, staff recommends that the Exception be granted to waive the requirement to provide an opaque ornamental screening fence along the west lot line of the property; however, an opaque ornamental screening fence shall be provided around the dumpster and grease barrel storage area.

Rooftop Equipment: During the review of the original Initial and Final Planned Commercial Development, it was noted that the rooftop units would generate a noise rating of 82db to 83db. However, an acceptable noise rating of 65 dB is appropriate adjacent to a residential district. As such, the approved elevations identify individual screening walls around the rooftop equipment. To date, the screening walls have not been constructed. Instead, the applicant has submitted additional noise data demonstrating that a 59DB to 60DB reading exists at the property line which is within the acceptable noise rating for a residential district. In addition, the applicant has requested that the requirement to provide screening around the rooftop equipment be eliminated.

The approved elevations for the building identify that the roof will be constructed with asphalt shingles, earth tone in color with screening walls around the rooftop equipment. However, the recent site visit identified a white roof membrane on the back side of the building under the rooftop equipment. In addition, the rooftop equipment is white. The combination of the lack of screening walls with the white roof membrane and the white rooftop equipment makes the rooftop equipment highly visible from the adjacent residential properties. In addition, the elevation of this property is lower than the adjacent residential lots which also results in high visibility of the rooftop equipment. Since it is difficult to change the color of a roof once it is constructed, staff is not recommending that the color of the roof be changed to an earth tone color as previously approved. However, staff does recommend that prior to Planning Commission approval, the applicant demonstrate some type of screening for the rooftop equipment along the rear of the building to mitigate its impact on the adjacent residential development.

STAFF REPORT
October 8, 2009

No. 09PD046 - Major Amendment to a Planned Commercial Development **ITEM 31**

Drainage: Currently drainage from Flormann Street flows along the alley and along the west lot line of the property. A gravel drainage pan and a paved drainage pan, aligning with each other, have been constructed on the property to divert the water away from the building. Even though the applicant's Engineer has submitted a drainage plan showing that the pan as constructed will accommodate the flows, staff is concerned that excessive run-off, such as a heavy spring rain, may result in water entering the building. Staff encourages the applicant to monitor the drainage within this area of the property and to address drainage concerns before any damage to the building and/or property arises.

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 October 8, 2009 Planning Commission meeting if this requirement has not been met.