

STAFF REPORT
October 22, 2009

No. 09PD049 - Planned Industrial Development - Initial and Final Development Plan **ITEM 15**

GENERAL INFORMATION:

APPLICANT/AGENT	Robert Wordeman
PROPERTY OWNER	Robert Wordeman
REQUEST	No. 09PD049 - Planned Industrial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot A of DDE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.08 acres
LOCATION	1330 Jess Street
EXISTING ZONING	Light Industrial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Light Industrial District (Planned Commercial Development)
South:	Light Industrial District (Planned Commercial Development)
East:	Light Industrial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	9/25/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION:

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

1. The following uses shall be allowed: manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill), yard and paint not involving a boiling process; new and used car, truck, motorcycle, snowmobile and boat sales and rentals;

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- farm implement and machinery new and used sales; retail and distribution establishments, including sales, display and show rooms and lots; offices, studios, clinics and laboratories; printing and secretarial services; mail and parcel services; commercial indoor recreational uses, including gymnasiums, ice skating rinks and similar establishments; the manufacture and maintenance of electronic and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilation ducts and equipment, cornices, eaves and the like; the manufacture of musical instruments, toys, novelties, and rubber and metal stamps; automobile assembling, painting, upholstering, rebuilding, recondition, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing; blacksmith shop and machine shop; foundry casting, lightweight nonferrous metal not causing noxious fumes or odors; and, wholesale or warehouse enterprise. Any change in land uses not approved by this Planned Industrial Development will require a Major Amendment to the Planned Industrial Development;
2. A Building Permit shall be obtained prior to occupancy of the building, the construction of the parking lot, and the construction of the storefront. In addition, a Certificate of Occupancy shall be obtained prior to use of the building;
 3. The proposed storefront improvement shall conform architecturally to the approved plans and elevations and a Building Permit shall be obtained prior to construction;
 4. Prior to construction of the asphalt parking lot, a Building Permit shall be obtained and a drainage analysis and drainage report shall be submitted for review and approval;
 5. A minimum of 31 parking spaces shall be provided. In addition, two 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;
 6. 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;
 7. All signage shall conform to the approved sign package. 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. The currently adopted International Fire Codes shall be continually met;
 9. A minimum of 33,924 landscaping points shall be provided. The landscaping 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 Industrial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning commission for the approved uses, or if the use as approved has ceased for a period of two years. However, the additional parking lot and store front construction may be phased over time and extend beyond the two years.

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GENERAL COMMENTS: The applicant has submitted this Planned Industrial Development - Initial and Final Development Plan for property at 1330 Jess Street. The applicant has requested that the following uses as identified in Chapter 17.22.020 of the Rapid City Municipal Code be allowed through this Planned Industrial Development:

1. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill), yard and paint not involving a boiling process;
2. New and used car, truck, motorcycle, snowmobile and boat sales and rentals;
3. Farm implement and machinery new and used sales;
4. Retail and distribution establishments, including sales, display and show rooms and lots;
5. Offices, studios, clinics and laboratories;
6. Printing and secretarial services;
7. Mail and Parcel services;
8. Commercial indoor recreational uses, including gymnasiums, ice skating rinks and similar establishments;
9. The manufacture and maintenance of electronic and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilation ducts and equipment, cornices, eaves and the like;
10. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
11. Automobile assembling, painting, upholstering, rebuilding, recondition, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;
12. Blacksmith shop and machine shop;
13. Foundry casting, lightweight nonferrous metal not causing noxious fumes or odors; and,
14. Wholesale or warehouse enterprise.

In addition, the applicant has requested that a building modification be allowed to create, as finances allow, a store front on the east side of the building to match in appearance the store front currently located on the west side of the building, and to create an asphalt parking area in front of the east side of the building.

On June 7, 1999, a Planned Commercial Development – Final Development Plan (#99PD012) was approved for Lot A with the following stipulations:

1. That prior to City Council approval of the Final Development Plan, the street improvements for Jess Street and Kermit Lane shall be completed or surety shall be posted for these improvements;
2. When Jess Street is completed, the north approach on Cambell Street shall be closed;
3. A temporary turnaround shall be provided at the east terminus of Jess Street;
4. That prior to City Council approval of the Final Development Plan, sidewalks shall be

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- provided along Jess Street and Cambell Street or surety posted for this improvement;
5. That prior to City Council approval of the Final Development Plan, the applicant shall provide a grading plan and a revised drainage plan;
 6. That prior to City Council approval, the applicant shall provide detailed construction plans for water and sanitary sewer main extensions;
 7. That prior to City Council approval, the applicant shall provide plan details for Jess Street and Kermit Lane construction and provide a plan for extending utilities on these streets;
 8. That prior to City Council approval, the applicant must provide an engineering estimate for the required improvements;
 9. That prior to City Council approval, the applicant must make corrections to the engineering plans;
 10. That prior to any construction, a building permit shall be obtained, and prior to occupancy, the applicant shall obtain a Certificate of Occupancy;
 11. That all parking and circulation must be paved and that curb stops shall be provided for the parking spaces in front of the building so that four feet of usable sidewalk is maintained;
 12. That prior to issuance of a building permit, all fire codes must be met;
 13. That a temporary turnaround be constructed at the end of Kermit Lane;
 14. Prior to City Council approval of the Final Development Plan for Phase Two, an Air Quality Permit shall be obtained;
 15. Prior to City Council approval of the Final Development Plan for Phase Two, a complete sign package shall be submitted for review and approval. No off-premise signage shall be allowed;
 16. Prior to City Council approval of the Final Development Plan for Phase Two, a revised landscape plan shall be submitted indicating specific plant types and quantity of those materials;
 17. Prior to City Council approval of the Final Development Plan for Phase Two, the applicant shall submit elevations of the proposed building;
 18. A six foot high solid wood fence shall be constructed around any refuse dumpsters on the property;
 19. Prior to City Council approval of the Final Development Plan for Phase Two, a lighting plan shall be submitted showing how the parking lot will be lit;
 20. The allowed uses of the structure shall be limited to retail sales; personal, professional, and business service establishments; offices, and a restaurant. Any on-sale liquor establishments shall require a Major Amendment to the Planned Commercial Development; and,
 21. The Final Development Plan approval shall be for only the portion of Lot A identified in the site plan. Prior to any additional development of Lot A, a Final Development Plan shall be submitted for review and approval.

On August 9, 2000, a Minimal Amendment to the Planned Commercial Development was approved to increase the number of parking spaces in compliance with the approved June, 1999 Planned Commercial Development.

On June 15, 2009, an Amendment to the Adopted Comprehensive Plan to change the land

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use designation from General Commercial to Light Industrial with a Planned Industrial Development (#09CA008) and a Rezoning from General Commercial District to Light Industrial District (#09RZ025) was approved by the City Council for this property. A commercial/industrial structure is located on the property.

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

Land Uses: Interstate Batteries was previously located on the property, however the property is currently vacant. The applicant indicates manufacturing, storage, and motorcycle sales are the uses proposed for the property. As the property is zoned Light Industrial District, and the applicant has requested additional future uses that are allowed within the Light Industrial Zoning District, staff supports the list of proposed uses as requested. However, staff is putting the applicant on notice that the property may not support some of the uses due to the size of the building, the lack of parking, or other building requirements. Any change in land uses not approved by this Planned Industrial Development will require a Major Amendment to the Planned Industrial Development. In addition, as the use of the building is proposed to be changed, a Building Permit must be obtained prior to any work being conducted and a Certificate of Occupancy must be obtained prior to occupancy.

Building Modification: The applicant is requesting, in the future, to modify the store front on the east side of the building to match the appearance of the store front currently located on the west side of the building. In addition to the store front, additional modifications will include a 14 foot overhead door and a 3 foot steel door to match existing overhead and steel doors on the building. A Building Permit is required prior to construction of the store front. The construction of the store front shall conform to the approved plans as part of this Planned Industrial Development. Any change to the approved plans to match the existing structure will require a Major Amendment to the Planned Industrial Development.

Lighting: Three exterior lights are located on the north side of the building and two exterior lights are located on the south side of the building. These lights are shielded so as to not shine on adjacent properties or rights-of-way. Any additional 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.

Signs: Currently, a 4 foot high 48 foot wide lighted sign is located on the south side of the building on the west end and a 4 foot high 96 foot wide lighted sign is located on the west side of the building for a total of 288 square feet of signage. Based on the street frontage, 822 square feet of signage is allowed on the building. Additional signage of 534 square feet is allowed on the building. All signage shall conform to the approved sign package. 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

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shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.

Parking: The site plan for the current off-street parking lot identifies 31 off-street parking spaces with one of the two handicap spaces being van accessible. All off-street parking spaces shall be marked with striping paint as shown on the approved site plan. The driveway into the parking lot is 40 feet wide. Curb stops for the parking spaces adjacent to the building and a 4 foot sidewalk are identified on the parking plan. The applicant has submitted a parking plan indicating the building will have 7,000 square feet of manufacturing, 4,500 square feet of new and used vehicle sales, and 3,500 square feet of storage. Using the actual square feet identified on the site plan, staff has calculated that 31 parking spaces are required for these identified uses. The parking plan currently complies with the Parking Ordinance. Upon obtaining a building permit for the uses to be included in the building, the parking plan will need to be revised to include the parking calculation for the actual occupancy of the building. The parking requirements for light industrial uses as previously identified range from 2.1 off-street parking spaces per 1,000 square feet of gross floor area to 10 off-street parking spaces per 1,000 square feet of gross floor area. Additional parking may be required when the applicant applies for a building permit to change the uses within the building. All off-street parking will be required to meet the Parking Ordinance Regulations of Section 17.50.270 of the Rapid City Municipal Code.

The applicant proposes to construct an additional asphalt parking lot in a future phase. The construction of the asphalt parking lot will require a Building Permit prior to construction. The parking lot must be striped and meet all the regulations of Section 17.50.270 of the Rapid City Municipal Code. Prior to obtaining a building permit for the construction of the off-street parking lot, an Erosion and Sediment Control Plan must be obtained. Upon review, an Erosion and Sediment Control Permit may be required. In addition, a drainage analysis and drainage report will be required prior to obtaining a building permit. Any additional loading areas must meet the regulations of the off-street loading and unloading requirements of the Parking Ordinance.

Landscaping: A minimum of 31,924 landscaping points are currently required for this property. The applicant's landscaping plan identifies that 33,786 landscaping points are being provided. As the construction of an asphalt parking lot in the future will remove some of the landscaping currently on the site, a revised landscaping plan must be submitted when a building permit is requested for the asphalt parking lot to indicate that the landscaping complies with the Landscaping Ordinance. The current landscaping must comply with the approved plan and all the requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary.

Phasing: The applicant has indicated that the change of use for the developed portion of the building will take place within two years. However, the additional parking lot and store front construction may be phased over time and extend beyond the two years. As such, staff recommends that the Planned Industrial Development will expire if the use is not undertaken and completed within two years of the date of approval by the Planning commission for the approved uses, or if the use as approved has ceased for a period of two years. However,

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the additional parking lot and store front construction may be phased over time and extend beyond the two years.

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 October 22, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or comments regarding this proposal at the time of this writing.