

STAFF REPORT
April 8, 2010

No. 10PD027 - Planned Commercial Development - Initial and Final Development Plan **ITEM 40**

GENERAL INFORMATION:

APPLICANT	Daryl Deneke for Valley Green Lawn & Garden Center
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Daryl and Bobi Deneke
REQUEST	No. 10PD027 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots 7 thru 12 of Block 3 and Lots 7 thru 12 of Block 4 of Rapid Valley Subdivision, located in the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.95 acres
LOCATION	1996 Sedivy Lane
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Light Industrial District (Planned Development Designation)
South:	No Use District
East:	No Use District
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley water and septic tank and drainfield
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Ali DeMersseman / Ted Johnson

RECOMMENDATION:

If the Planning Commission determines it is appropriate to allow a 240 square foot temporary structure on the property for a period not to exceed 12 months, then staff will recommend that the Initial and Final Planned Commercial Development be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a sign package for the proposed structure that complies with the Sign Code;
2. The temporary structure shall be used as an office to service the existing lawn and

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garden business on the property. The temporary structure shall be allowed to be used as an office on the property for a period not to exceed 12 months from the date of Planning Commission approval. Upon the expiration of the 12 month period, the use shall cease and the applicant shall have obtained approval of a Planned Commercial Development – Initial and Final Development Plan for a permanent structure on the property and brought the property into compliance with all applicable provisions of that approved plan;

3. An Exception is hereby granted to allow a 240 foot temporary structure in lieu of a 200 foot temporary structure on the property. The structure shall conform architecturally to the plans and elevations submitted as part of this Initial and Final Planned Commercial Development;
4. An Exception is hereby granted to allow graveled parking in lieu of paved parking on the property for a period not to exceed 12 months. At such time, the applicant shall obtain approval of a Planned Commercial Development that demonstrates compliance with the parking provisions of Section 17.50.270 of the Rapid City Municipal Code;
5. An Exception is hereby granted to waive the requirement to provide landscaping on the property for a period not to exceed 12 months. At such time, the applicant shall obtain approval of a Planned Commercial Development that demonstrates compliance with the landscaping provisions of Section 17.50.300 of the Rapid City Municipal Code;
6. Prior to occupancy, a Temporary Certificate of Occupancy shall be obtained;
7. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant shall demonstrate that the proposed temporary structure and toilet facilities are handicapped accessible; and,
8. The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission.

GENERAL COMMENTS: The applicant has submitted a Planned Commercial Development – Initial and Final Development Plan request to allow a temporary structure for a period not to exceed 12 months on the property. In particular, the proposed 20 foot by 12 foot structure will be used as a temporary office space to service the existing lawn and garden business on the site. Recently, the primary building on the site, which was used for office activities, was damaged by a fire and can no longer be utilized.

The property was annexed to the City of Rapid City on June 4, 2009. On March 1, 2010 the City Council approved a Major Amendment to the Comprehensive Plan to change the land use designation on the property from Light Industrial to General Commercial with a Planned Commercial Development. On March 1, 2010 the City Council approved a Rezoning request to rezone the property from No Use District to General Commercial District.

The property is located at the northeast corner of Sedivy Lane and East Saint Francis Street. The property is developed with a fire damaged structure and greenhouses.

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

Temporary Structure: The submitted site plan identifies a proposed 240 foot structure on the

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property. Section 17.50.220.H.1 of the Rapid City Municipal Code states that temporary retail businesses or structures may not exceed 200 square feet in area. Therefore, the applicant is requesting an Exception to allow a 240 square foot temporary retail structure in lieu of a 200 foot structure on the property.

In addition, the applicant has submitted an elevation of the proposed temporary structure, which will be constructed of metal and will be 8 feet high. The applicant has also indicated that the structure will be painted an earth tone color.

The proposed structure is located outside of the required front yard setback. The site plan identifies the structure set back 68.5 feet from Sedivy Lane and 81 feet from East Saint Francis Street. In addition, the structure is located outside of the required sight triangles.

If the Planning Commission determines it is appropriate to allow a 240 square foot temporary structure on the property for a period not to exceed 12 months, then staff recommends that the Initial and Final Planned Commercial Development be approved with the stipulations as noted above.

Signage: The applicant has submitted a photo of a proposed banner sign for the proposed temporary structure. However, Section 15.28.050.F of the Rapid City Municipal Code prohibits banner signs, which are defined as “a sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.” Therefore, staff recommends that prior to Planning Commission approval, the applicant submit a sign package for the proposed structure that complies with the Sign Code.

Parking: The applicant submitted a site plan that identifies an existing graveled off-street parking area on the property. Section 17.50.270 of the Rapid City Municipal Code requires that off-street parking areas be paved. As such, the applicant has requested an Exception to waive the requirement to pave the off-street parking area for a period not to exceed 12 months. Since the lawn and garden use exists on the property and the applicant is deferring paving for a period not to exceed 12 months, staff recommends that the Exception be granted. At such time, the applicant must obtain approval of a Planned Commercial Development that demonstrates compliance with the parking provisions of Section 17.50.270 of the Rapid City Municipal Code

Landscaping: The property is currently landscaped; however, the applicant has requested an Exception to waive the requirement to submit a landscaping plan for the property at this time. Since the lawn and garden use exists on the property and the applicant is deferring the submittal of a landscaping plan for a period not to exceed 12 months, staff recommends that the Exception be granted. At such time, the applicant must obtain approval of a Planned Commercial Development that demonstrates compliance with the landscaping provisions of Section 17.50.300 of the Rapid City Municipal Code.

Building Inspection: Staff has indicated that the applicant must obtain a Temporary Certificate of Occupancy prior to the occupancy of the structure. In addition, toilet facilities must be

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available to the structure. Further, both the temporary structure and toilet facility must be handicapped accessible. As such, staff recommends that prior to the issuance of a Temporary Certificate of Occupancy, the applicant must demonstrate the proposed temporary structure and toilet facilities are handicapped accessible.

Rapid Valley Sanitary District: The Rapid Valley Sanitary District has indicated that the property must connect to the Rapid Valley Sanitary District sewer at East Saint Francis Street. Therefore, the applicant should be aware upon the expiration of the 12 month time period, and upon submittal of a Planned Commercial Development for a permanent structure on the site, the applicant will be required to connect to the Rapid Valley Sanitary Sewer System.

Notification requirements: As of this writing, the receipts from the certified mailings have not been returned nor has a sign been posted on the property. Staff will notify the Planning Commission if these requirements have not been met.