

STAFF REPORT  
May 27, 2010

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**No. 10PD034 - Major Amendment to a Planned Commercial Development**      **ITEM 12**

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GENERAL INFORMATION:

APPLICANT/AGENT	Qusi Al Haj for Tara Alyss, LLC
PROPERTY OWNER	Tara Alyss, LLC
REQUEST	<b>No. 10PD034 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Block 26R and 27 of Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.79
LOCATION	1720 and 1730 Haines Avenue
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/27/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be continued to the June 10, 2010 Planning Commission meeting.

GENERAL COMMENTS: The applicant has requested a Major Amendment to a Planned Commercial Development to allow for a drive-through coffee kiosk as an approved use on the property.

On July 10, 2000, the City Council approved with stipulations a Major Amendment to a Planned Commercial Development to change the permitted uses and building footprint. Stipulations of approval included:

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1. A post-construction elevation certificate shall be submitted documenting that the building location and elevation meets the FEMA Letter of Map Revision requirements;
2. Haines Avenue Drainage Basin fees shall be paid upon issuance of any building permits;
3. Upon issuance of a building permit, the petitioner shall install a public sidewalk where his property abuts Curtis Street;
4. Prior to City Council approval of the Major Amendment, the petitioner shall provide a public access easement for his property where his property abuts Curtis Street – subject to review and approval of the Engineering Division. The easement shall be filed via an instrument recorded with Pennington County Register of Deeds Office prior to City Council approval of the Use on Review;
5. A building permit shall be obtained prior to any construction;
6. A Certificate of Occupancy shall be received prior to building occupancy;
7. The petitioner shall construct an opaque, ornamental screening fence along the east property line as required by the original PCD. Said fence shall be constructed no later than October 1, 2000. No building permits shall be issued until the fence is constructed. The east side of the fence shall be finished and the fence shall be constructed of wood material and be maintained in good condition all times. The fence shall be four feet in height for the first twenty-five feet from the Wright street property line and six feet in height for the remaining portion of the east property line to the 100 year floodplain boundary.
8. Prior to November 1, 2000 the petitioner shall replace the dead tree located at the southeast corner of the property;
9. Disabled parking shall be provided as required by the Off-Street Parking Ordinance;
10. The petitioner shall immediately cease parking in the unpaved area located to the east of the existing drive-through lane;
11. Prior to July 14, 2000 the petitioner shall have removed or killed the majority of weeds present in the landscaped areas. Landscaped areas shall be kept relatively weed-free on a continual basis; and,
12. All stipulations of the previous PCD Major Amendment approved by the City Council on August 18, 1997 shall be met except that the permitted land uses shall now include computer/electronic sales and service for the main building, and retail or banking or automatic teller machine or any combination thereof for the smaller building.

The applicant is now proposing to install a 12 foot by 20 foot prefabricated coffee/bagels drive-through kiosk in place of the existing Drive-Up ATM. The proposed kiosk will include a bathroom and will be connected to City water and sewer services. The hours of operation for the proposed kiosk will be 7 days per week from 6:30 a.m. to 5:30 p.m.

The property is located at 1730 Haines Avenue, which is on the east side of Haines Avenue north of Curtis Street. A drive-up automatic teller machine (ATM) is currently located on the property.

STAFF REVIEW: Staff has reviewed this Major Amendment to a Planned Residential Development and has noted the following considerations:

Parking: The parking plan was submitted with the application only identified a portion of the lot.

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The boundaries of the Planned Commercial Development include both Lot 27, 1720 Haines Avenue, and Lot 26R to the north, 1730 Haines Avenue. The applicant is proposing to utilize all parking spaces on the two lots as a part of this Major Amendment. However, parking information was only submitted for Lot 27. The combined uses on Lots 27 and 26R, including the proposed coffee kiosk will require 26 parking spaces and 3 stacking spaces for the drive-through. As such, staff recommends that this item be continued to the June 10, 2010 Planning Commission meeting to allow the applicant to submit a revised parking plan.

Stacking Lanes: Section 17.50.270 of the Rapid City Municipal Code requires that three stacking spaces be provided for a drive-thru specialty use. The submitted site plan shows that three stacking spaces are provided for the proposed coffee kiosk. The stacking lanes must be continually striped and maintained in compliance with the Off-Street Parking Ordinance.

Landscaping: The landscape plan submitted with the application only addressed a portion of the property. The boundaries of the Planned Commercial Development include both Lot 27, 1720 Haines Avenue, and Lot 26R to the north, 1730 Haines Avenue. The applicant is proposing to include all landscaping on the two lots as a part of this Major Amendment. However, landscape information was only submitted for Lot 27. The submitted landscape plan must be updated to reflect current building square footage and required landscape points required and provided. As such, staff recommends that this item be continued to the June 10, 2010 Planning Commission meeting to allow the applicant to submit a revised landscape plan.

Coffee Kiosk: The coffee kiosk is proposed to be a 12 foot by 20 foot prefabricated structure to be placed on the property. The building would include neon lights under the eaves of the building. The applicant has indicated that the building will be connected to City water and sewer services and will include a bathroom for employee use. Staff review has noted that some additional information is required for the proposed structure. In particular, the City's Building Inspection staff has noted that the submitted building elevations do not indicate that the entrance to the proposed structure will be handicap accessible. Sections 1101.2 and 1103.1 of the 2006 International Building Code require that that entrance to the building be handicap accessible. A revised building elevation must be submitted that indicates that the proposed building will be handicap accessible.

The applicant has not submitted any information on proposed footings foundation for the proposed structure. As such, an engineer sealed and signed drawing for the proposed footings/foundation must be submitted for review and approval.

In addition, the City's Building Inspection staff has indicated that a third-party inspection is required for modular buildings. As such, the applicant must provide a copy of a third party inspection to the Growth Management Department prior to issuance of a building permit. Staff recommends that this item be continued to the June 10, 2010 Planning Commission meeting to allow this information to be submitted.

Signage: A sign package was submitted with the application. The submitted sign package

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includes a pole sign along Curtis Street measuring 8 foot wide by 10 foot tall static poster sign with the message "Black Hills Bagels". This sign would be located 15 feet above ground level. Also included on the pole sign is an 8 foot wide by 4 foot tall static reader board sign with removable typeface.

Additional signage has also been proposed to be located on the coffee kiosk building. The proposed sign package includes an 8 foot wide by 4 foot tall static poster sign on the west side of the building facing Haines Avenue with the message "Bagels, Expressos, Sandwiches". A similar sign would be located on the south side of the building toward Curtis Street measuring 3 feet tall by 3 feet wide with the same message. Two menu signs will be located on the south side of the building facing Curtis Street measuring 30 inches tall by 18 inches wide each. The submitted sign package included an ordering station not attached to the proposed kiosk. Details for this feature were not included in the sign package.

Also included in the proposed sign package was an 16 foot wide by 3 foot tall roof sign with the message "Black Hills Bagels – Express\*O". The proposed roof sign is not an allowable sign per Chapter 15.28 of the Rapid City Municipal Code. Staff recommends that this item be continued to the June 10, 2010 Planning Commission meeting to allow the applicant to submit a revised sign package removing all illegal signs from the sign package and provide details regarding the unattached ordering station.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the May 27, 2010 Planning Commission meeting if these requirements have not been met. Staff has received several inquiries regarding this item, but has not received any objections.

Staff recommends that this item be continued to the June 10, 2010 Planning Commission meeting to allow the applicant to submit additional information.