

STAFF REPORT  
June 24, 2010

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**No. 10PD041 - Planned Industrial Development - Initial and Final Development Plan**      **ITEM 18**

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GENERAL INFORMATION:

APPLICANT	Tom Carroll for Carroll Asphalt Paving
AGENT	Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ed Carroll
REQUEST	<b>No. 10PD041 - Planned Industrial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	Lot A of Blocks 3 and 4 of Rapid Valley Subdivision, located in the NE1/4 NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.14 acres
LOCATION	2507 East St. Patrick Street
EXISTING ZONING	Light Industrial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	No Use District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/28/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

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

1. Prior to issuance of a Building Permit, an Exception to the Street Design Criteria Manual request to allow curb-side sidewalk along East Saint Patrick Street signed by the property owner shall be submitted and approved or a revised site plan identifying property line sidewalk along East Saint Patrick Street shall be submitted for review and approval;

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2. Prior to issuance of a Certificate of Occupancy, the applicant shall coordinate with the Fire Department to establish a covenant agreement to allow the installation of the fire protection features within an acceptable time frame not to exceed 3 years;
3. All applicable provisions of the International Fire Code are to be continually met;
4. A minimum of 125,611 landscape points shall be provided on the property. The landscaping shall be installed as per the approved landscape plan and kept free of refuse and debris and continually maintained in a live vegetative state and replace as necessary;
5. The property shall be used as an office for an asphalt paving company, an office for the sale of recreational vehicles and storage. Any change in use will require a Major Amendment to the Planned Commercial Development;
6. An opaque fence, wall or mass plantings no less than 7-foot in height shall be provided if construction equipment or supplies are stored outside of the building;
7. A Permit to Work in the Right-of-Way shall be obtained for any construction activities located in the public right-of-way;
8. Prior to issuance of a building permit for Phase Three, grading, erosion and drainage information be submitted for review and approval and a grading and/or erosion and sediment control permit be obtained if necessary;
9. Prior to issuance of a Certificate of Occupancy, the outdoor furnace shall be removed from the property;
10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;
11. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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. 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;
12. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained prior to issuance of a building permit;
13. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy if the usage changes;
14. A minimum of four off-street parking spaces shall be provided at Phase One of development and a minimum of 14 off-street parking spaces shall be provided at Phase Two of development. In addition, a minimum of one "van" handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of the Off-Street Parking Ordinance shall be continually met;
15. All provisions of the Light Industrial Zoning District shall continually be met; and,
16. The Planned Industrial Development shall expire if the use is not undertaken and

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completed as per the phasing plan schedule. Phase One shall commence within two years of the date of approval by the Planning Commission. Phase Two shall commence within four years of the date of approval by the Planning Commission. If Phase Two has not commenced within four years of the date of approval by the Planning Commission, a Major Amendment for Phase Two shall be obtained prior to its commencement. Phase Three shall commence within six years of the date of approval by the Planning Commission. If Phase Three has not commenced within six years of the date of approval by the Planning Commission, a Major Amendment shall be obtained prior to its commencement. In addition, the Planned Industrial Development shall expire if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS:** The applicant has submitted a Planned Commercial Development – Initial and Final Development Plan to allow an asphalt paving company and recreational vehicle sales on the property at 2507 East Saint Patrick Street. In particular, the applicant is proposing implement the proposed development plan in three phases. In Phase One, the applicant has proposed to use 192 square feet of office space for an asphalt paving company within the existing building with the remaining balance of the building to be used as storage. Phase One is proposed to be implemented upon approval of the Final Development Plan. In Phase Two, the applicant is proposing to convert 2,000 square feet of the existing building from storage to an office for the sale of recreational vehicles. The office use implemented in Phase One will continue to be used and the remaining balance of the building will be used as storage. Phase Two is proposed to be implemented within one to four years of the approval of the Final Development Plan. In Phase Three, applicant has proposed to construct a 6,200 square foot parking lot for the display of recreational vehicles. Phase Three is proposed to be implemented within two to six years of the approval of the Final Development Plan. The uses are permitted uses in a Light Industrial Zoning District.

The property is zoned Light Industrial District with a Planned Development Designation. Property located to the north is zoned Light Industrial District and General Commercial District. Land located to the south and west is zoned General Commercial District with a Planned Commercial Development. Land located to the east is zoned No Use District.

The property is located southeast of the intersection of East Saint Patrick Street and Sedivy Lane. The property is currently developed with an existing structure.

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

**Use:** As previously noted, the applicant is proposing to use the site for an asphalt paving company, retail sales of recreational vehicles and storage. The property is located in a Light Industrial Zoning District. These uses are permitted uses in the Light Industrial Zoning District. All requirements of the Light Industrial Zoning District must continually be met or as stipulated as a part of this Initial and Final Development Plan or any subsequent Major Amendment.

**Phasing:** The applicant has indicated that the proposed development for the property will occur

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in three phases as follows:

Phase One:

- Utilize an existing 192 square foot office within the existing building as an office for the asphalt paving company and as a sales office for the sale of recreational vehicles. The remaining balance of the building will be used as storage.
- Phase One will be implemented upon approval of this Final Development Plan.

Phase Two:

- Utilize up to 2,000 square feet of the north portion of the existing building as office and retail space. The remaining balance of the building will be used as storage.
- Phase Two will be implemented within 1 to 4 years of approval of this Final Development Plan.

Phase Three:

- Expand the recreational vehicle display area by paving a parking area adjacent to the existing parking area to the east on the undeveloped portion of the lot. The parking area expansion is proposed to occupy up to 6,200 square feet.
- Phase Three will be implemented with 2 to 6 years of approval of this Final Development Plan.

Staff recommends that the Initial and Final Development plan be constructed as outlined in the proposed phases. The site plan submitted by the applicant has demonstrated that the parking and landscaping requirements for each phase of development will be met. The applicant should be aware, however, that a building permit will be required for the renovations included in Phase Two and the parking lot expansion in Phase Three. In addition, the Planned Industrial Development shall expire if the use is not undertaken and completed as per the phasing plan schedule, with the final phase of development commencing in 2016, or if the use as approved has ceased for a period of two years.

Parking: A parking plan was submitted with the application. Phase One of the development plan requires that four parking spaces be provided on the property for the storage and office uses. The submitted parking plan identifies that five public spaces will be provided including one "van" accessible handicap space and seven employee parking spaces. Phase Two of the development plan requires that 10 additional spaces will be required for the retail, office and storage uses of the property. The site plan for Phase Two identifies that 22 parking spaces will be provided at that time with one space being "van" handicap accessible. Phase Three will add additional display area for recreational vehicle sales and will not require an increase in parking.

Landscaping: A landscape plan was submitted with the application. A minimum of 125,611 landscape points are required on the property. The submitted landscape plan identifies that 133,820 landscape points currently exist on the property. As such no additional landscape is required at this phase of development. However, it should be noted that Phase Three of the development plan includes the construction of a 6,200 square foot parking area which

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will reduce the amount of landscape points on the property by 6,889 to 126,931. Any future development of the property not included as a part of this development plan may require additional landscaping. In addition, the landscaping must be installed as per the approved landscape plan and must comply with all requirements of the Zoning Ordinance and must be continually maintained in a live, vegetative state.

Screening: The property is located adjacent to existing general commercial and light industrial land uses. The property to the east is currently zoned No Use District. However, the Southeast Connector Future Land Use Plan identifies the properties as appropriate for Low Density Residential land uses. Single family residences currently exist on property to the east. Chapter 17.22 of the Rapid City Municipal Code states that an opaque fence, wall or mass plantings no less than 7-foot in height shall be required for screening open storage of construction contractor's equipment and supplies. The applicant has indicated that the balance of the building not used for office or retail uses will be utilized as storage space. The applicant should be aware that if construction equipment and/or materials are to be stored outside, screening must be provided as per Chapter 17.22.

Fence: The applicant has indicated that the storage area around the building is fenced with a high-security chain link fence. Portions of the fence along the south property line are constructed of wood. The existing fence is not located in any of the required setbacks. The applicant has indicated that the fence as currently installed will remain as a part of this Initial and Final Development Plan. The applicant should be aware, however, that if construction equipment and supplies are to be stored outside as outlined above, the existing chain-link fence will not provide the required screening as per Chapter 17.22. As such, if construction equipment and supplies are stored outside of the building, an opaque fence, wall or mass plantings no less than 7-foot in height must be provided. In addition, the applicant should be aware that any fence over six feet in height will require a building permit.

Access: The property currently has two approaches off of East Saint Patrick Street which do not meet the spacing requirements as identified in the Street Design Criteria Manual. However, in 2006 an Exception to the Street Design Criteria Manual for the width and location of existing approaches was approved by the City Council. This exception remains valid with this proposed development plan.

However, staff review and research identified a study conducted in 1996 titled "Guidelines for Commercial Driveway Spacing on Urban and Suburban Arterial Roads" which that as the average daily trips per lane on arterial roads increases, the accident rate increases by 1.4 percent. In addition, the study concluded that as the total number of accesses along an arterial street increases, the accident rate increases by 7.7 percent. Conversely, the study concluded that as spacing increases between driveways on arterial streets, the accident rate decreases by 37.2 percent. Saint Patrick Street is identified as a Principal Arterial on the Major Street Plan.

Based on the above study conclusion, staff can continue to support this Exception until such time that a 20% increase of the approved overall density, intensity or area use within a planned development as identifies in Section 17.50.070(A) of the Rapid City Municipal

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Code. The site plan approved in 2006 identifies a 56,793 square foot overall site development. A 20% increase in total site development area would amount to 11,359 square feet for a total of 68,152 square feet. The total developed area proposed as a part of this Initial and Final Development plan, including all three phases of development, is 66,558 square feet. As such, any additional development expansion, and subsequent Major Amendment, of the remaining site, beyond the proposed development as part of this Initial and Final Development Plan, in excess of an 1,594 square feet may require that the two access points on East Saint Patrick Street be consolidated to one access which must align with either of the two accesses on the north side of East Saint Patrick Street. At the time the approach on East Saint Patrick Street is realigned, a second access may be added approximately 230 feet south of the intersection of East Saint Patrick Street and Sedivy Lane to accommodate the property owner with two access locations onto the property.

Grading and Drainage: Staff review of the Initial and Final Development Plan has noted that Phases One and Two of the proposed development will have minimal effect on the drainage on the property and minimal grading will be required. However, Phase Three may require substantial grading changes and will have an effect on the drainage on the property. As such, prior to issuance of a building permit for the parking area construction of Phase Three, grading, drainage and erosion control plans must be submitted for review and approval.

Sidewalks: The applicant has indicated that sidewalks are proposed to be installed along East Saint Patrick Street and Sedivy Lane. The applicant is proposing to install curb-side sidewalk along East Saint Patrick Street to match the existing sidewalk and to install property line sidewalk along Sedivy Lane that will transition to curb-side sidewalk where the alignment of Sedivy Lane shifts to the east and precludes the property line sidewalk. The sidewalk must be installed per city standards as specified in Section 12.16.060 of the Rapid City Municipal Code. An Exception to the Street Design Criteria Manual to allow for the curb-side sidewalk along East Saint Patrick Street was submitted with this application. However, the Exception request has not been signed by the property owner. As such, prior to issuance of a Building Permit, an Exception to the Street Design Criteria Manual signed by the property owner must be submitted and approved or a revised site plan must be submitted identifying property line sidewalk along East Saint Patrick Street for review and approval. A Permit to work in the Right-of-Way must be obtained prior to any construction activities in the right-of-way.

Lighting: The submitted application identifies that all existing lighting on the property will remain. In addition, the submitted site plan identifies that the applicant is proposing to install four area lights as a part of the Phase one improvements. Three of the lights will be installed on the walls of the building on the east and south walls. In addition, an area light is proposed to be installed at the southeast corner of the developed area of the property. This proposed area light will be located approximately 230 feet from the east property line and adjacent residences. The applicant has indicated that the proposed lights will be 150-watt bulbs designed for wide area lighting. The lighting should be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists as per Chapter 17.50.310 Rapid City Municipal Code.

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Signage: The sign package submitted with the application identifies that one 4 foot tall by 10 foot wide static poster wall sign is proposed to be added to the property. The proposed sign will be black, white and yellow in color with the message, "CAP We specialize in Asphalt Paving 399-9000". The sign will be located on the north face of the building facing East Saint Patrick Street. No electronic signage is proposed with this Initial and Final Development Plan. The addition of any electronic signage will require a Major Amendment to the Planned Industrial Development.

A commercial billboard is located on the property in the parking area adjacent to East Saint Patrick Street. The property is located in a Light Industrial Zoning District and off-premise signage is a permitted use within the District. The applicant has indicated that the billboard will remain on the property.

Outdoor Furnace: An outdoor furnace is currently located on the property, east of the building and inside the fenced storage area. In the past, staff has received several complaints regarding smoke in the air and associated odors resulting from inappropriate materials being burned as fuel. The applicant has indicated that the outdoor furnace will be removed from the property as a result of this development. As such, staff recommends that prior to the issuance of a Certificate of Occupancy, the outdoor furnace be removed from the property.

Fire Code: The Fire Department has identifies that the structure exceeds 8,000 square feet and therefore, fire sprinkler protection must be installed throughout the structure as per the 2003 International Fire Code. As such, prior to issuance of a Certificate of Occupancy the applicant coordinate with the Fire Department to establish a covenant agreement to allow the installation of the fire protection features within an acceptable time frame not to exceed 3 years. In addition, all other applicable provisions of the International Fire Code shall be continually met.

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 June 24, 2010 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Planned Industrial Development – Initial and Final Development Plan be approved with the stipulations as outlined above.