

STAFF REPORT
May 5, 2011

No. 11PD018 - Major Amendment to a Commercial Development Plan **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Daryl Deneke
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Daryl Deneke
REQUEST	No. 11PD018 - Major Amendment to a Commercial Development Plan
EXISTING LEGAL DESCRIPTION	Lots 7 through 12 of Block 3 and Lots 7 through 12 of Block 4 of Rapid Valley Subdivision located in the NE1/4 of 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 Commercial Development)
SURROUNDING ZONING	
North:	Light Industrial District (Planned Industrial Development) - Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/8/2011
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, all necessary changes shall be made to the

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- construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;
3. Prior to issuance of a building permit, a Developmental Lot Agreement shall be secured for Lots 7 through 12 of Block 4 of Rapid Valley Subdivision;
 4. Prior to issuance of a building permit, construction plans shall be submitted for review and approval showing a sanitary sewer connection to Rapid Valley Sanitary District;
 5. Prior to issuance of a building permit, the site plan shall be revised to show all fencing in compliance with Chapter 15.40 of the Rapid City Municipal Code or Beechwood Lane shall be vacated and/or a Fence Height Exception shall be obtained;
 6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
 7. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;
 8. A Permit to Work in the Right-of-way shall be obtained prior to any construction within the right-of-way;
 10. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Revisions to the design of the structure that the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
 11. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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. A minimum of 80,850 landscaping points shall be provided. In addition, the landscaping shall be planted in accordance with the approved plans. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
 13. A minimum of 7 parking spaces with one on the spaces being "van" handicap accessible shall be provided;
 14. 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 motorist or constitute a nuisance of any kind;
 15. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;
 16. The Planned Commercial Development shall allow for a landscape business with accessory commercial structure(s). Other uses permitted within the General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the General Commercial District shall require a Major

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- Amendment to the Planned Commercial Development;
17. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,
 18. 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.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow the construction of a permanent 112 foot by 36 foot commercial building as a part of the existing landscape business located on the property. In addition, the applicant has submitted a Vacation of Right-of-way request to vacate Beechwood Lane as it extends north from East St. Francis Street through the applicant's property. Currently, Beechwood Lane is an unimproved street.

On April 8, 2010, the Planning Commission approved an Initial and Final Planned Commercial Development to allow a temporary structure on the property for a period not to exceed 12 months to serve the existing lawn and garden business located on the site. In particular, the temporary use was approved allowing a graveled parking lot and waving the requirement to provide landscaping with the stipulation that upon the expiration of the 12 month period, the use shall cease and the applicant shall have obtained approval of an Initial and Final Planned Commercial Development for a permanent structure on the property and that the property be brought into compliance with all applicable provisions of that approved plan. The applicant has subsequently submitted this application.

The property is located between Sedivy Lane and Pecan Lane, north of East St. Francis Street. Currently, temporary green house structure(s) are located on the property accessory to the existing lawn and garden business.

STAFF REVIEW:

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

Design: The applicant has submitted structural elevations identifying that the commercial building will be a one story building. In particular, the building will be metal post frame and constructed with glass, stone and wood and with a natural stone wainscot on the lower portion of the building along the south and west sides. The color of the building will be "Mocha Tan" with a "Forest Green" metal roof.

Staff recommends that the proposed structure conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Revisions to the design of the structure that the Growth Management Director determines to be consistent with the original approved elevations shall be allowed as a Minimal Amendment to the Planned Commercial Development.

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Parking: The proposed use(s) require that a minimum of seven parking spaces with one “van” handicap accessible space be provided. The applicant has submitted a parking plan identifying that 11 parking spaces are being provided with one “van” handicap accessible space. The proposed parking plan meets the requirements of the City’s Parking Regulations.

Landscaping: A minimum of 80,709 landscape points are required. The applicant has submitted a landscape plan identifying that a total of 80,850 landscape points will be provided.

Staff recommends that a minimum of 80,850 landscaping points be provided. In addition, the landscaping must be planted in accordance with the approved plans. All landscaping must be continually maintained in a live vegetative state and replaced in compliance with the City’s adopted Landscape Ordinance.

Signage: The applicant has submitted a sign package identifying an 8 foot by 10 foot monument sign to be located in the northwest corner of the property which reads “Black Hills Landscapes”. The sign is shown to be constructed of similar material and color(s) as the proposed building.

Staff recommends that all signage conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. Lighting for the sign(s) must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Fire Code: Fire Department staff has indicated that the project appears to meet the requirements as established by the International Fire Code. The Fire Department staff has indicated that the applicant must continue to coordinate with the Fire Department if any alterations to the project occur.

Staff recommends that all currently adopted International Fire Codes be continually met. In addition, the applicant must coordinate any expansion or alterations of the project with the Fire Department.

Fencing: The applicant is proposing to construct a four foot high to six foot high wood fence and a five foot high to six foot high black clad chain link fence around portions of the property. A portion of the chain link fence is located within Beechwood Lane right-of-way which the applicant is proposing to vacate.

Staff recommends that prior to issuance of a building permit, Beechwood Lane be vacated as proposed or the site plan must be revised to show all fencing in compliance with Chapter 15.40 of the Rapid City Municipal Code. In addition, a Fence Height Exception must be obtained for any fencing in excess of four feet in height located within the 25 front yard

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abutting a street right-of-way.

Developmental Lot Agreement: The applicant has submitted a Development Lot Agreement request for Lots 7 through 12 of Block 4 of Rapid Valley Subdivision since the proposed commercial structure, parking and access extend across these lots. The City Attorney's Office is currently creating the document for the signature of the property owner and the Growth Management Director.

Staff recommends that prior to issuance of a building permit, the Developmental Lot Agreement be secured for Lots 7 through 12 of Block 4 of Rapid Valley Subdivision.

Notification Requirement: As of this writing, the certified mailing receipts have not been returned and the required signs have not been posted on the property. Staff will notify the Planning Commission at the May 5, 2011 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Major Amendment to the Planned Commercial Development be approved with the stipulations as outlined above.