

STAFF REPORT
March 22, 2012

No. 12PD007 - Major Amendment to a Commercial Development Plan to allow all permitted uses within the General Commercial District with the exception of Conditional Uses **ITEM 7**

GENERAL INFORMATION:

APPLICANT	Qusi Al Haj - Tara Alyss, LLC
PROPERTY OWNER	Tara Alyss, LLC
REQUEST	No. 12PD007 - Major Amendment to a Commercial Development Plan to allow all permitted uses within the General Commercial District with the exception of Conditional Uses
EXISTING LEGAL DESCRIPTION	Block 26R and Block 27 of Airport Addition located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .8 acres
LOCATION	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
West:	General Commercial District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	2/16/2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Commercial Development Plan to allow all permitted uses within the General Commercial District with the exception of Conditional Uses be approved with the following stipulations:

1. A building permit shall be obtained for each change in use;
2. Prior to issuance of a building permit, stamped plans shall be submitted for review and approval;
3. A minimum of 29,493 landscaping points shall continually be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

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4. A minimum of 26 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met. If the parking required for a permitted use cannot be met on site or through a parking agreement, then a Major Amendment to the Planned Commercial Development shall be needed;
5. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment;
6. 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;
7. 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 a 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;
8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
9. The Major Amendment to a Planned Commercial Development shall allow the property to be used for any permitted use in the General Commercial District. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Commercial Development.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow all permitted uses in the General Commercial District with the exception of conditional uses. Currently, the Planned Commercial Development is approved for a tax service, a computer retail/service use and a drive-thru coffee kiosk. To change the use, whether permitted or conditional in the General Commercial District, the applicant is required to submit a Major Amendment to a Planned Commercial Development.

On November 18, 1996, a Planned Commercial Development (#1544) was approved to construct two retail buildings, 4,995 square feet and 1,224 square feet, on the above legally described property.

On August 18, 1997, a Major Amendment to a Planned Commercial Development (#1621) was approved with stipulations to increase the size of the Planned Commercial Development by adding 10 feet to the Planned Commercial Development boundary and to add a drive-thru lane for the proposed computer store.

On July 10, 2000, a Major Amendment to a Planned Commercial Development (#00PD025) was approved with stipulations to change the permitted uses on the property from electronic and computer sales to retail, banking and an ATM with a drive up, as well as to change the

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building footprint.

On January 10, 2008, a Major Amendment to a Planned Commercial Development (#07PD101) was approved with stipulations to allow a tax service use on the property.

On May 27, 2010, a Major Amendment to a Planned Commercial Development (#10PD034) was approved with stipulations to allow a drive-thru coffee kiosk as an approved use on the property.

The property is located on the east side of Haines Avenue between Wright Street and Curtis Street. Currently, a one story commercial structure and a bagel and coffee kiosk is located on the property.

STAFF REVIEW:

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

Zoning: The Major Amendment to a Planned Commercial Development will allow the property to be used for any permitted use in the General Commercial District. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment to the Planned Commercial Development. A change in use may trigger that additional parking be provided for the property. A building permit must be obtained for each change in use. Prior to issuance of a building permit, stamped plans must be submitted for review and approval. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment is approved.

Sign Package: The applicant is not proposing any additional signage as a part of this Major Amendment to a Planned Commercial Development. All signage must 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 a Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to a Planned Commercial Development. Lighting for the signs 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.

Landscaping: A minimum of 29,493 landscaping points must be continually provided. In addition, all provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: The applicant is requesting to allow any permitted use in the General Commercial District. There are a total of 31 parking spaces on site. Two parking spaces are handicap accessible with one of those being "van" accessible. A minimum of 26 parking spaces must

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be provided. In addition, two of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met. If parking for a permitted use cannot be met on site or through a parking agreement, then a Major Amendment to the Planned Commercial Development will be needed.

Notification Requirement: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the March 22, 2012 Planning Commission meeting if these requirements have not been met.