

STAFF REPORT

April 5, 2012

No. 12PD011 - Initial and Final Commercial Development Plan

ITEM 3

GENERAL INFORMATION:

APPLICANT	Rick Bentley - Bentley-Miller
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Lazy P6 Land Co., Inc.
REQUEST	No. 12PD011 - Initial and Final Commercial Development Plan

EXISTING LEGAL DESCRIPTION

A parcel of land located at the southeast corner of the intersection of Fifth Street and East Stumer Road, located in Lot Two (2), which is sometimes referred to as Government Lot Two (2), in Section Nineteen (19), in Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, said parcel of land being more fully described as follows: Beginning at the southeast intersection of the rights-of-way of Fifth Street and East Stumer Road, said point being marked by a rebar with survey cap LS 6251; thence first course, northeasterly on the south line of East Stumer Road right-of-way, North 78 degrees 47 minutes 37 seconds East a distance of 24.49 feet more or less to a point marked by a rebar with survey cap LS 6251; thence second course, northeasterly and continuing on the south line of East Stumer Road right-of-way and curving to the right on a curve with a radius of 650.00 feet, a delta of 5 degrees 21 minutes 06 seconds, an arc length of 60.71 feet, a chord bearing of North 81 degrees 35 minutes 29 seconds East and a chord distance of 60.69 feet more or less to a point marked by a rebar with survey cap LS 6251; thence third course, northwesterly and continuing on the south line of East Stumer Road right-of-way, North 05 degrees 10 minutes 46 seconds West a distance of 22.97 feet more or less, to a point marked by a rebar with survey cap LS 6251; thence fourth course, northeasterly and continuing on the south line of East Stumer Road right-of-way and curving to the right on a curve with a radius of 170.00 feet, a delta of 11 degrees 43 minutes 50 seconds, an arc length of 34.81 feet, a chord bearing of North 84 degrees 14 minutes 24 seconds East and a chord distance of 34.74 feet more or less, to a point marked by a rebar with survey cap LS 6251; thence fifth course, southeasterly and continuing

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on the south line of East Stumer Road right-of-way South 89 degrees 52 minutes 14 seconds East a distance of 84.68 feet more or less to a point, from whence South 89 degrees 52 minutes 14 Seconds East a distance of 667.97 feet more or less, bears a rebar with survey cap LS 6251 on the south line of East Stumer Road right-of-way; thence sixth course, South 00 degrees 00 minutes 07 seconds West a distance of 68.72 feet, more or less; thence seventh course, bearing to the left on a curve with a radius of 485.00 feet, a delta of 10 degrees 12 minutes 48 seconds, an arc length of 86.45 feet, a chord bearing of South 5 degrees 06 minutes 17 seconds East and a chord distance of 86.34 feet more or less; thence eighth course, South 10 degrees 12 minutes 41 seconds East a distance of 66.77 feet more or less; thence ninth course, curving northeasterly to the right on a curve with a radius of 426.00 feet, a delta of 2 degrees 49 minutes 19 seconds, an arc length of 20.98 feet, a chord bearing of North 83 degrees 13 minutes 03 seconds East and a chord distance of 20.98 feet more or less; thence tenth course, South 5 degrees 22 minutes 18 seconds East a distance of 52.00 feet more or less; thence eleventh course, curving southwesterly to the left on a curve with a radius of 374.00 feet, a delta of 19 degrees 29 minutes 40 seconds, an arc length of 127.25 feet, a chord bearing of South 74 degrees 52 minutes 52 seconds West and a chord distance of 126.64 feet more or less; thence twelfth course, curving southwesterly to the right on a curve with a radius of 276.00 feet, a delta of 24 degrees 19 minutes 32 seconds, an arc length of 117.18 feet, a chord bearing of South 77 degrees 17 minutes 48 seconds West and a chord distance of 116.30 feet more or less, to a point on the easterly line of Fifth Street right-of-way, from whence South 00 degrees 07 minutes 03 Seconds West a distance of 194.05 feet more or less, bears a rebar with survey cap LS 6251 on the east line of Fifth Street right-of-way; thence thirteenth course, northeasterly along the east line of said Fifth Street right-of-way North 00 degrees 07 minutes 03 Seconds East a distance of 136.56 feet more or less to a point marked by a rebar with survey cap LS 6251; thence final course, continuing northwesterly along the easterly line of said Fifth Street right-of-way and curving to the left on a curve with a radius of 1021.00 feet, a delta of 8 degrees 33 minutes 28 seconds, an arc length of 152.50 feet, a chord bearing of North 4 degrees 09 minutes 06 seconds West and a chord distance of 152.36 feet more or less, to the point of beginning

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PARCEL ACREAGE	Approximately 1.38 acres
LOCATION	At the southeast corner of 5th Street and Stumer Road
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Office Commercial District - Office Commercial District (Planned Development Designation)
South:	General Commercial District (Pennington County)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	2/24/2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Initial and Final Commercial Development Plan be **approved with the following stipulations:**

- 1. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;**
- 2. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development. Changes to the proposed elevations, design plans and color palette which the Planning Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Commercial Development;**
- 3. A minimum of 32 parking spaces and seven drive-thru stacking 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;**
- 4. A minimum of 44,610 landscaping points shall 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;**
- 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. All erosion and sediment control devices shall be installed prior to issuance of a Certificate of Occupancy;**
- 7. Upon submittal of a building permit, plans shall be prepared and stamped by a**

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- licensed Architect or Professional Engineer as per SDCL 36-18A;
8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 9. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development. Changes to the proposed sign package, which the Planning Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the 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;
 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 motorist or constitute a nuisance of any kind;
 11. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 12. The Initial and Final Planned Commercial Development shall allow the property to be used for a fast food restaurant. Any change in use that is a permitted use in the General Commercial District shall require the review and approval of a Minimal Amendment. 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:

(Update April 5, 2012. All revised and/or added text is shown in bold.) This item was continued at the March 22, 2012 Planning Commission meeting to allow the applicant to work with staff to address issues that needed to be resolved prior to Planning Commission. The applicant met with staff and has submitted revised documents that address the issues identified. As such, staff recommends that the Initial and Final Commercial Development Plan be approved with the stipulations as identified above.

The applicant has submitted an Initial and Final Commercial Development Plan to construct a restaurant on the property. In particular, the applicant is proposing to develop the parcel as an Arby's restaurant.

On February 6, 2012, the City Council approved a Preliminary Plat (File #11PL075) to create a 12.06 acre lot to be known as Lot 5, North 80 Subdivision. On February 27, 2012, a Final Plat (File #12PL006) was approved creating Lot 5, North 80 Subdivision. The boundaries of this Planned Development application includes a 1.38 acre portion of Lot 5 located in the northwest corner of the lot.

The property is located southeast of the intersection of 5th Street and East Stumer Road. The property is currently undeveloped.

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STAFF REVIEW:

Staff has reviewed the Initial and Final Commercial Development Plan and has noted the following considerations:

Use: The applicant is proposing to construct a one story Arby's restaurant. This item was continued to address issues concerning access and the proposed Master Plan for the area. The applicant had originally submitted a Master Plan which was inconsistent with the previously approved Master Plan for the area. A revised Master Plan has been submitted which addresses the issues staff had identified for the applicant.

The property is zoned General Commercial District. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment. The Initial and Final Planned Commercial Development will allow the property to be used for a fast food restaurant. Any change in use that is a permitted use in the General Commercial District will require the review and approval of a Minimal Amendment. 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.

Design: The applicant has submitted sample elevations of the proposed Arby's restaurant. The proposed structure is a one story fast food restaurant. The proposed elevations show a tan colored stone exterior with red awnings over the windows and red trim. The proposed structure has a flat roof with a metallic red gable roof over the front entrance. The proposed structure must conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development. Changes to the proposed elevations, design plans and color palette which the Planning Director determines to be consistent with the original approved elevations, design plans and color palette will be allowed as a Minimal Amendment to the Planned Commercial Development.

Parking: A minimum of 32 parking spaces and seven drive-thru stacking spaces must be provided for the proposed fast food restaurant. The applicant has submitted a site plan that shows 32 parking spaces and seven drive-thru stacking spaces. Two handicap accessible spaces are shown with one being "van accessible". The parking provided is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

Staff recommends that a minimum of 32 parking spaces and seven drive-thru stacking spaces 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.

Signage: The applicant has submitted a sign package that includes a 41 foot high pylon sign, four enter/exit ground signs and wall signage. The proposed 41 foot high pylon is topped by the Arby's logo with back to back marquee signs illuminated by fluorescent lights. The maximum allowed height for a pylon sign is 45 feet. The sign is proposed to be located at the northeast corner of the site at the intersection of East

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Stumer Road and Fifth Street. On the east side of the property where vehicles will take access to the site will be located four Enter/Exit signs. The proposed signs will be five feet high and the signage area will measure 2 feet high by 4 feet 1 inch wide. Four wall signs will be located on the north side of the proposed structure. Two of the signs face north and two of the signs will face east and west. The signs will read "Arby's" and measure 3 feet 8 inches high by 7 feet wide.

All signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development. Changes to the proposed sign package, which the Planning Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the 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 the 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 44,610 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 45,020 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.

A minimum of 44,610 landscaping points must be provided. 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.

Lighting: The applicant has submitted a lighting plan for the property showing that it is in compliance with the requirements of the Ordinance. Staff recommends that all outdoor lighting 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.

Air Quality: The proposed development is over one acre in area. An Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. All plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. All erosion and sediment control devices must be installed prior to issuance of a Certificate of Occupancy.

Staff has reviewed the information submitted with the application and noted items that must be addressed prior to the item going forward. The applicant is currently working with staff to address these issues. Staff recommends that the Initial and Final Commercial Development Plan be continued to the April 5, 2012 Planning Commission meeting to allow additional time

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to resolve the outstanding issues.

Notification: As of this writing, the white slips and green cards have not been returned. In addition, the required sign has not been posted on the property. Staff will notify the Planning Commission at the **April 5, 2012** Planning Commission meeting if these requirements have not been met.