

STAFF REPORT
April 5, 2012

No. 12PD014 - Initial and Final Commercial Development Plan

ITEM 5

GENERAL INFORMATION:

APPLICANT	Kevin Willan
PROPERTY OWNER	Kevin Willan
REQUEST	No. 12PD014 - Initial and Final Commercial Development Plan
EXISTING LEGAL DESCRIPTION	Lots 11 and 12 of Block 6 of Rapid Valley Subdivision located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .33 acres
LOCATION	2501 East Saint Francis Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Private well
DATE OF APPLICATION	3/8/2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. A Building Permit shall be obtained prior to any construction. 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 construction plans as identified on the redline drawings. All redlined drawings shall be returned and signed and sealed final construction plans must be submitted for review and approval;
3. An Exception to reduce the off-street parking requirements from 39 spaces to 6 spaces is hereby granted. A minimum of one "van accessible" handicap space shall be provided. All parking shall comply with Section 17.50.270 of the Rapid City Municipal Code;
4. An Exception is hereby granted to reduce the front yard setback to 0 feet in lieu of the minimum required 25 feet and to reduce the side yard setback to 0 in lieu of the minimum required 25 feet. In addition, the rear yard setback shall be reduced to 13 feet in lieu of the minimum required 15 feet;

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5. Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services for review and approval showing water and sewer lines installed to conform to Rapid Valley standard specifications;
6. Prior to issuance of a Building Permit, the applicant shall confirm that fire flow requirements for the property are being met. A fire protection/extinguishing system shall be provided as required by Chapter 9 of the International Fire Code. All applicable provisions of the currently adopted International Fire Code shall be continually maintained. The applicant shall coordinate with the Rapid City Fire Department regarding specific fire protection needs;
7. Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services showing the required sidewalks, or the stipulations of approval for the Exception to not install sidewalk, including submittal of a waiver of right to protest, shall be met. A copy of the signed waiver of right to protest shall be submitted to Community Planning and Development Services for review and approval;
8. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Planned Development. Signs in compliance with Chapter 15.28 of the Rapid City Municipal Code shall be allowed as a Minimal Amendment to the Planned Commercial Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Commercial Development. In addition, the Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s);
9. Lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on adjacent properties and/or streets;
10. An opaque screening fence shall be provided on the property lines adjacent to all residential zoning districts. All fencing shall be maintained in good condition and shall comply with the requirements of Chapter 15.40 of the Rapid City Municipal Code;
11. This Planned Commercial Development shall allow for the construction of a powder coating business to be located in two structures. Other uses permitted in a General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development provided that all land area regulations of the General Commercial District are met. Conditional uses or uses that do not meet the minimum land area regulations of the General Commercial District shall require a Major Amendment to the Planned Commercial Development; and,
12. 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.

GENERAL COMMENTS: The applicant has submitted an Initial and Final Planned Commercial Development to allow for the construction of a powder coating business on approximately 0.33 acres of land. The proposed use will be located in the two existing structures on the property. No expansion of the existing structures is being proposed.

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On October 17, 2011, City Council approved a request to rezone the property from Low Density Residential District to General Commercial District (File #11RZ021). On November 7, 2011, City Council approved a Comprehensive Plan Amendment to change the Future Land Use designation of the property from residential to commercial (File #11CA012).

The property is located southeast of the intersection of Pecan Lane and East Saint Francis Street in the southeastern part of the City. Currently, an automobile repair and storage facility is located on the property.

STAFF REVIEW: Staff has reviewed the request for an Initial and Final Planned Commercial Development and has noted the following considerations:

Use: The existing use on the property is automobile service and storage. The proposed powder coating facility will be an accessory use to the existing automobile service. Automobile repair and service is a permitted use in a General Commercial District.

Redline Comments: Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes must be made to the construction plans as identified on the redline drawings. All redlined drawings must be returned and signed and sealed final construction plans must be submitted for review and approval.

Building Permits/Certificate of Occupancy: A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site.

Parking: The submitted plans show approximately 4,200 square feet of shop space and approximately 500 square feet of storage space proposed in the existing buildings. The applicant is not proposing to expand the existing structures on the site. Based on a square footage of the uses on the property, a total of 9 (8.95) parking spaces are required for the proposed use. The submitted plans show that a total of 6 spaces are being proposed. The applicant has noted that customer traffic to and from the business will be comprised of scheduled appointments, and customers dropping off and picking up items. Trip generation models from the Institute of Transportation Engineers Trip Generation Manual show that a maximum of six trips to and from the property on a peak hour can be expected. The applicant has indicated that the proposed business will have a maximum of 2 staff members. Based on these reasons, staff recommends the Exception to reduce the required amount of off-street parking spaces from 9 to 6 be approved. A minimum of one of those spaces must be "van" handicap accessible. All parking must comply with Chapter 17.50.270 of the Rapid City Municipal Code.

Setbacks: The property was annexed into the City in 2009. At that time, the existing structures were considered legal non-conforming. As such, the structures are legal non-conforming in the City. The structures do not meet all the required setbacks. The applicant is requesting that the existing setbacks be permitted as a part of this Planned Commercial Development. The property has frontage along both East Saint Francis Street and Pecan Lane, requiring a 25 foot front setback along each street. Currently, the setback along Pecan Lane is zero feet. The rear yard setback for a General Commercial District abutting a Low Density Residential District is 15 feet. The existing structures on the property have a setback to the

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rear property line of approximately 13 feet. In addition, the side yard for property zoned General Commercial District abutting a Low Density Residential District is 25 feet. The existing side yard setback is currently zero feet. No expansion of the structures is being proposed. As such, staff recommends the Exception to reduce the front, side, and rear yard setbacks for the existing structures be approved. Any expansion of the structures on the property will require that all land area regulations, including setbacks, be met.

Sidewalks: The submitted plans do not include the installation of sidewalk along East Saint Francis Street or Pecan Lane. Sidewalks must be installed as a part of all building permits. Rapid Valley Sanitary District staff has noted that a curb stop on Pecan Lane would be need to be adjusted if sidewalks were required for installation. The applicant obtained a Variance waiving the requirement to install sidewalks from City Council on March 19, 2012. The applicant was required to submit a signed waiver of right to protest as a stipulation of approval. As such, prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services showing the required sidewalks, or the stipulations of approval for the Exception to not install sidewalk, including submittal of a waiver of right to protest, shall be met. A copy of the signed waiver of right to protest shall be submitted to Community Planning and Development Services for review and approval.

Lighting: The applicant's site plan identifies all outdoor lot lighting for the property. Rapid City Municipal Code Chapter 17.50.310 requires that lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/or streets.

Fencing: The applicant's plans show that a 6 foot tall, opaque fence has been installed on the rear property line. A 6 foot tall chain link fence with slats has been installed between the north side of the existing structures in order to provide screening of the uses on the property from neighboring residential properties. It appears that screening requirements for the proposed use are being met. All fencing must be maintained in good condition

Signage: The applicant has proposed to install signage; however, to date the applicant has not submitted a sign package as a part of this application. The applicant should be aware that if signage is going to be included as a part of the proposed lot, a sign package must be submitted to Community Planning and Development Services for review and approval. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Planned Development. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code may be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Commercial Development. In addition, the Director of Community Planning and Development Services may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s).

Fire Department Requirements: The submitted plans show that the applicant intends to install fire suppression on the site. Prior to issuance of a Building Permit, the applicant must

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confirm that fire flow requirements for the property are being met. A fire protection/ extinguishing system must be provided as required by Chapter 9 of the International Fire Code. All applicable provisions of the currently adopted International Fire Code must be continually maintained. The applicant must coordinate with the Rapid City Fire Department regarding specific fire protection needs.

Utility Services: Currently, the property is served by a private well. Development of the site requires that the property be connected to public sewer and water services. The property is located in the Rapid Valley Sanitary Sewer District. As such, prior to issuance of a Building Permit, revised plans must be submitted showing the installation of water and sewer service lines to the property. Installation of the service lines must be according to Rapid Valley Sanitary District design criteria.

Notification Requirements: As of this writing, the sign has not been posted on the property. The green cards and white receipts from the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the April 5, 2012 Planning Commission meeting if these requirement has not been met. As of this writing, there have been no inquiries into the proposed Initial and Final Planned Commercial Development.