

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

GENERAL INFORMATION:

APPLICANT	Guy Mann for Culver's
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 12PD016 - Initial and Final Commercial Development Plan</b>
EXISTING LEGAL DESCRIPTION	Lot 4A of Block 2 of Rushmore Crossing Subdivision located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.26 acres
LOCATION	1015 Eglin Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	4/3/2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

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 and a Certificate of Occupancy shall be obtained prior to occupancy;

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

2. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department to confirm the locations of fire hydrants and submit revised plans for review and approval. All applicable provisions of the adopted International Fire Code shall continually be met;
3. Prior to issuance of a building permit, the applicant shall submit revised plans showing the internal sidewalk in accordance with the Master Plan;
4. Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;
6. Prior to issuance of a building permit, the applicant shall submit sample elevations and details of the proposed refuse enclosure for review and approval;
7. Prior to submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
8. Prior to issuance of a Certificate of Occupancy, the non-standard service line easement and related documents shall be executed and recorded. Copies of the recorded easement and agreements shall be submitted to the Public Works Department;
9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
10. 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 Community Planning and Development Services 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;
11. A minimum of 44 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;
12. A minimum of 50,857 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;
13. 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;
14. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
15. Prior to issuance of a sign permit, a revised sign package and site plan shall be submitted removing the proposed monument sign or the applicant shall revise the boundary of the Rushmore Crossing Development Complex Designation for joint identification signs removing the above legally described property. 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 Community Planning and Development Services 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

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

- 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;
16. 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; and,
  17. 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:**

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 a Culver's restaurant.

On October 18, 2004, the City Council approved a Rezoning request from General Agriculture District to General Commercial District (File #04RZ039) including the above legally described property.

On April 26, 2007, an Initial Planned Commercial Development (File #07PD019) was approved with stipulations to allow approximately 861,000 square feet of new commercial development to include hotels, furniture stores, a restaurant core and various retail and office uses.

On September 20, 2007, a Final Planned Commercial Development (File #07PD074) was approved with stipulations to construct 1,250 parking stalls with landscaping within the western portion of the Rushmore Crossing development. The above legally described property was included in the boundary of the Final Planned Commercial Development.

On October 9, 2008, a Major Amendment to a Planned Commercial Development (File #08PD050) was approved with stipulations to reduce the required parking from 2,307 parking stalls to 2,083 parking stalls specifically for the Scheel's store.

The property is located adjacent to the signalized entrance to Sam's Club on the south side of Eglin Street east of the intersection of Eglin Street and Luna Avenue. This property is located in the Rushmore Crossing Shopping Center. The property is currently undeveloped.

**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 Culver's restaurant. The proposed structure will be 3,982 square feet and includes a drive-thru. 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

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

Planned Commercial Development. 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.

Design: The proposed restaurant is located in the Rushmore Crossing Shopping Center. The Rushmore Crossing Shopping Center has approved "Design Guidelines". The applicant has submitted sample elevations for the proposed structure that are in compliance with the approved design guidelines. The structure will have cement board siding with pro cast stone features. In addition, blue striped awning will be located over the windows.

Staff recommends that the proposed structure 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 Community Planning and Development Services 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.

In addition, the applicant has indicated that a refuse enclosure will be located at the south side of the proposed structure. An elevation and details of the proposed refuse enclosure were not submitted with this application. As such, staff recommends that prior to issuance of a building permit, the applicant submit sample elevations and details of the proposed refuse enclosure for review and approval.

Engineering: The property owner's Master Plan identifies that internal sidewalk will be located on the west side of the property. Prior to issuance of a building permit, the applicant must submit revised plans showing the internal sidewalk in accordance with the Master Plan.

In addition, redlined plans have been returned to the applicant. Prior to issuance of a building permit, the applicant must address redline comments and return the plans to the Community Planning and Development Services Department.

Water and Sewer: The applicant has submitted plans indicating that the water and sewer services cross a neighboring property. The applicant has submitted an exception request for non-standard water and sanitary sewer service lines. The request is pending the execution of easement and agreements in accordance with Section 8.3(K)(7) of the City's 2007 Standard Specifications. Staff recommends that prior to issuance of a Certificate of Occupancy, the non-standard service line easement and related documents must be executed and recorded. Copies of the recorded easement and agreements must be submitted to the Public Works Department.

Signage: The applicant has submitted a sign package that includes four wall signs and a proposed monument sign. The above legally described property is located in the Rushmore Crossing Development Complex Designation which allows off-premise joint identification signs. No additional monument signs are allowed in the development complex boundary. The applicant is currently working to revise the Rushmore Crossing Development Complex Designation boundary to remove the above legally described property. The four proposed wall signs read "Culver's" and are permitted as a part of the Rushmore Crossing Development Complex Designation.

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

Staff recommends that prior to issuance of a sign permit, a revised sign package and site plan be submitted removing the proposed monument sign or the applicant must revise the boundary of the Rushmore Crossing Development Complex Designation for joint identification signs removing the above legally described property. 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 Community Planning and Development Services 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 shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Parking: A minimum of 44 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 47 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 44 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.

Landscaping: A minimum of 50,857 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 51,430 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 50,857 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.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

STAFF REPORT  
April 26, 2012

---

**No. 12PD016 - Initial and Final Commercial Development Plan**

**ITEM 6**

---

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.

Fire Department: The plans submitted with the application indicate a 6 inch water service potentially for the fire sprinkler system. A wall or yard post indicating valve or domestic tap location is not identified. In addition, the plans do not indicate the location of fire hydrants around the site to be developed.

Staff recommends that prior to issuance of a building permit, the applicant coordinate with the Rapid City Fire Department to confirm the locations of fire hydrants and submit revised plans for review and approval. All applicable provisions of the adopted International Fire Code must continually be met.

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 26, 2012 Planning Commission meeting if these requirements have not been met.