

STAFF REPORT

June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

GENERAL INFORMATION:

APPLICANT	Robert Froehlich - Robbinsdale Shopping Center, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Robbinsdale Shopping Center, LLC
REQUEST	No. 12PD022 - Major Amendment to a Planned Development
EXISTING LEGAL DESCRIPTION	Lots 1 through 20 of Block 1 of Robbinsdale Addition located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.36 acres
LOCATION	301 East Saint Patrick Street
EXISTING ZONING	Neighborhood Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development) - Neighborhood Commercial District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	May 25, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Planning Commission determine that a "uniform and equipment shop" be allowed as a conditional use in the Neighborhood Commercial District and that the use be allowed on the above legally described property with the following stipulations:

1. It is hereby determined that a "uniform and equipment shop" shall be a conditional use in the Neighborhood Commercial District;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;

STAFF REPORT

June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

3. A minimum of 76 parking spaces shall be provided on the property. Four of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". The submitted parking plan is hereby approved as submitted with a total of 99 parking stalls, of which 76 are in compliance with Section 17.50.270 of the Rapid City Municipal Code, until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built, the subject property shall conform to the parking requirements pursuant to Chapter 17.50.270 of the Rapid City Municipal Code;
4. The screening requirement is hereby waived until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built the subject property shall conform to the screening requirement pursuant to Chapter 17.20.080 of the Rapid City Municipal Code;
5. The landscaping requirement is hereby waived until such time as the building is expanded, removed and/or a new structure is built on the subject property. At the time the building is expanded, removed and/or a new structure is built, the subject property shall conform to the landscaping requirement pursuant to Chapter 17.50.300 of the Rapid City Municipal Code;
6. All applicable provisions of the adopted International Fire Code shall continually be met;
7. 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 Major Amendment to a Planned 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 a Planned 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 a Planned 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 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;
9. All provisions of the Neighborhood Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,
10. The Major Amendment to a Planned Development shall allow a "uniform and equipment shop", barber shop, beauty salon, tanning salon, second hand sales store, chiropractor and bank to be located on the property. Any change in use that is a permitted use in the Neighborhood Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Neighborhood Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

Chapter 17.20.030 of the Rapid City Municipal Code states that other uses the Planning Commission determines to meet the intent of the Neighborhood Commercial District may be allowed as a Conditional Use. A "uniform and equipment shop" is not identified as a permitted or a conditional use in the Neighborhood Commercial Zoning District. As such,

STAFF REPORT

June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

the applicant has submitted a Major Amendment to a Planned Development requesting that the Planning Commission determine whether a “uniform and equipment shop” should be a conditional use in the Neighborhood Commercial District and to allow the use on the above legally described property. In particular, the applicant is requesting that “Neve’s Uniforms and Equipment” be located in an existing strip mall. The uniform shop caters to law enforcement and firefighters and is also open to the public. A seamstress will be on-site to provide alterations and the hours of operation will be from 8:00 a.m. to 5:00 p.m. The commercial mall also includes a barber shop, beauty salon, tanning salon, second hand sales store, chiropractor and bank.

On June 10, 2005, staff approved a Planned Development Designation (File #05PD037) for lots 18 through 20 of the above legally described property.

On June 22, 2005, the City Council approved a Rezoning request from Medium Density Residential District to Neighborhood Commercial District (File #05RZ040) for lots 18 through 20 of the above legally described property.

On July 7, 2006, an Initial and Final Planned Commercial Development (File #06PD043) was approved with stipulations on the above legally described property. As a part of the approval, the Planning Commission determined that a leather goods retail and repair shop is an appropriate use in the Neighborhood Commercial District. The screening and landscaping requirements were waived until such time as the structure is expanded, removed and/or a new structure is built. In addition, a parking plan was approved with a total of 99 parking spaces, of which 76 are in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

The property is located southeast of the intersection of Elm Avenue and East Saint Patrick Street. A one-story commercial strip mall is currently located on the property.

STAFF REVIEW:

Staff has reviewed the application to determine if a “uniform and equipment shop” meets the intent of the Neighborhood Commercial Zoning District pursuant to Chapter 17.20 of the Rapid City Municipal Code and offers the following comments:

Use: The Neighborhood Commercial Zoning District is intended to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area. Chapter 17.20.030 of the Rapid City Municipal Code states that other uses the Planning Commission determines to meet the intent of the Neighborhood Commercial District may be allowed as a Conditional Use. Commercial uses in the Neighborhood Commercial District should have a limited negative impact on vehicular and pedestrian traffic. The applicant has indicated that the proposed “uniform and equipment shop” will primarily cater to law enforcement and firefighters but will also be open to the public. A seamstress will be on-site to provide alterations and the hours of operation will be from 8:00 a.m. to 5:00 p.m. The commercial mall also includes a barber shop, beauty salon, tanning salon, second hand sales store, chiropractor and bank. The proposed use will serve the needs of a portion of the neighborhood. In addition, the nature of the proposed use and the hours of operation will limit the negative impact of traffic on the residential neighbors. For these reasons, staff recommends that the “uniform and

STAFF REPORT

June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

equipment shop” be allowed as a conditional use within the Neighborhood Commercial Zoning District.

Staff has also reviewed allowing the proposed use on the above legally described property with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located on the south side of East Saint Patrick Street between Elm Avenue and Robbins Drive. A one story commercial strip mall is located on the property.

2. *The location, character and design of adjacent buildings:*

The properties to the south, east and west are zoned Medium Density Residential District and are one story residential structures. The properties to the north are zoned General Commercial District and Neighborhood Commercial District and are one story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The previously approved Initial and Final Planned Commercial Development waived the requirement to provide screening and landscaping until such time as the building is expanded, removed and/or a new structure is built. The applicant is not proposing to expand, remove and/or build a new structure. There is no landscaping on-site and no screening fences. The property must be brought into compliance with the landscaping and screening requirements when the building is expanded, removed and/or a new structure is built.

4. *Proposed vegetation, topography and natural drainage:*

The applicant is not proposing to expand the existing structure.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access to the site is provided from East Saint Patrick Street to the north, from Elm Avenue to the west and from Robbins Drive to the east. There is curbside sidewalk along Elm Avenue providing pedestrian access to the property. There is no sidewalk along East Saint Patrick Street or Robbins Drive. This Major Amendment to a Planned Development does not trigger that sidewalks be installed along East Saint Patrick Street or Robbins Drive. In the future, the installation of sidewalks will be required if the building is expanded by at least 20% or if a new structure is built on the property.

The previously approved Initial and Final Planned Commercial Development approved a parking plan with a total of 99 parking stalls, of which 76 are in compliance with Section 17.50.270 of the Rapid City Municipal Code. The property must comply with the parking requirement pursuant to Chapter 17.50.270 of the Rapid City Municipal Code when the structure is expanded, removed and/or a new structure is built.

STAFF REPORT
June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

6. *Existing traffic and traffic to be generated by the proposed use:*

The proposed uniform apparel store will generate approximately 23 trips per weekday peak hour and approximately 315 trips per weekday.

7. *Proposed signs and lighting:*

The applicant is not proposing any additional signage with this application. 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 Major Amendment to a Planned 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 a Planned 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 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.

The applicant is not proposing any additional outdoor lighting. All outdoor lighting must continue to 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.

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The Zoning Ordinance is the tool that implements the Comprehensive Plan. The Neighborhood Commercial Zoning District is intended to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area. Chapter 17.20.030 of the Rapid City Municipal Code states that other uses the Planning Commission determines to meet the intent of the Neighborhood Commercial District may be allowed as a Conditional Use.

The applicant is proposing to include a "uniform and equipment shop" as a Conditional Use on the above legally described property. The property is located adjacent to East Saint Patrick Street and Elm Avenue which are identified as a major arterial street and a minor arterial street respectively, on the City's Major Street Plan. Arterial streets are conducive to more commercial uses. The proposed uniform shop is open to the public but will primarily cater to law enforcement and firefighters. In addition, the proposed uniform shop will be located in a suite that was previously occupied by a gym. The required parking for the uses on the property including the uniform shop is 89 parking stalls. The required parking with the gym was 97 parking stalls. The applicant has

STAFF REPORT
June 21, 2012

No. 12PD022 - Major Amendment to a Planned Development

ITEM 5

indicated that the uniform shop will be open from 8:00 a.m. to 5:00 p.m. which is conducive to being located adjacent to a residential district. For these reasons, it appears that a uniform shop meets the intent of the Neighborhood Commercial Zoning District. The Major Amendment to a Planned Development will allow a "uniform and equipment shop", barber shop, beauty salon, tanning salon, second hand sales store, chiropractor and bank to be located on the property. Any change in use that is a permitted use in the Neighborhood Commercial District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Neighborhood Commercial District will require the review and approval of a Major Amendment to a Planned Development.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The previously approved Initial and Final Planned Commercial Development waived the minimum requirements for landscaping and screening until such time as the structure is expanded, removed and/or a new structure is built. In addition, the parking plan was approved allowing 99 parking stalls of which 76 are in compliance with the Rapid City Municipal Code. The applicant should be aware that any expansion of the structure or a new structure will require that the property be brought into compliance with the requirements of the Rapid City Municipal Code. All provisions of the Neighborhood Commercial District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:

The proposed use does not appear to generate any substantial noise, odor, smoke, dust, air or water pollution that would negatively impact the neighborhood. The Neighborhood Commercial District requires an ornamental screening fence along property lines abutting the side or rear yard of a residential district. However, the previously approved Initial and Final Planned Commercial Development waived the screening requirement until the structure on the property is either expanded, removed and/or a new structure is built.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval will ensure that the property is in compliance with the International Fire Code. In addition, the stipulations of approval will ensure that the property will come into compliance with the Zoning Ordinance should the structure be expanded, removed and/or a new structure is built.

Notification Requirements: As of this writing, the white slips and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the June 21, 2012 Planning Commission meeting if these requirements have not been met.