

STAFF REPORT
March 7, 2013

No. 13PD001 - Initial and Final Planned Development Overlay to Allow the Construction of a Restaurant **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
AGENT	April Smart - Foster Rentals, Inc.
PROPERTY OWNER	Foster Rentals, Inc.
REQUEST	No. 13PD001 - Initial and Final Planned Development Overlay to Allow the Construction of a Restaurant
EXISTING LEGAL DESCRIPTION	Lot B of Lot 5 of North 80 Subdivision, located in Government Lot 2 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.70 acres
LOCATION	South of East Stumer Road west of Shelby Avenue and east of Fifth Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Office Commercial District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Final Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	January 24, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Initial and Final Planned Development Overlay to allow the construction of a restaurant be approved with the following stipulations:

1. An Exception is hereby granted to allow a reduction in the number of required stacking

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- lane spaces for a fast food restaurant drive-through from seven spaces to two spaces. In addition, a minimum of 73 parking spaces shall be provided. Three 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;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 3. Prior to issuance of a building permit, the applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;
 4. Prior to submittal of a building permit, the construction plans shall be revised to show the relocation of the no-parking sign located in the shared access approach on the east property line. In addition, the construction plans shall be submitted for review and approval;
 5. Prior to submittal of a building permit, the erosion and sediment control plan shall be revised to include the owner's signature and the contractor's signature;
 6. Upon submittal of a building permit, the applicant shall provide support information for the proposed sand filter basin profile or the sand filter basin profile shall be revised to be in compliance with Figure 2.11 of the Storm Water Quality Manual;
 7. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 8. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 9. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 10. A minimum of 67,251 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
 11. All signage shall continually conform to the Sign Code. 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. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the 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 the proposed signs;
 12. 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;
 13. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
 14. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 15. The Final Planned Development Overlay shall allow for a full service 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

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Use in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted an Initial and Final Planned Development Overlay to allow the construction of a restaurant. In particular, the applicant is proposing to construct a one-story, 6,980 square foot full-service restaurant to be called "Pizza Ranch". In addition, the applicant is requesting a reduction in the required number of stacking spaces from seven to two for the proposed drive-through.

On April 10, 2003, the Planning Commission approved a Planned Development Designation (File #03PD010) including the above legally described property.

On April 21, 2003, the City Council approved a Rezone request (File #03RZ010) to change the land use designation from General Agriculture District to General Commercial District in conjunction with a Planned Development Designation.

On November 5, 2012, the City Council approved a Preliminary Subdivision Plan (File #12PL063) for the above legally described property.

On November 30, 2012, staff approved a Development Engineering Plan (File #12PL080) for the above legally described property.

On December 18, 2012, staff approved a Final Plat (File #12PL097) to create the above legally described property.

The property is located approximately 290 feet east of the intersection of Fifth Street and East Stumer Road. The property is currently undeveloped.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The applicant is proposing to construct a one-story, 6,980 square foot full-service restaurant on an approximately 1.7 acre lot.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The property is zoned General Commercial District with a Planned Development Designation. A Final Planned Development Overlay must be approved before the property can be developed. The applicant is requesting an Exception to allow a reduction in the number of stacking lane spaces from seven to two as per Chapter 17.50.270 of the Rapid City Municipal Code.

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3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

Chapter 17.50.270 of the Rapid City Municipal Code requires that a fast food restaurant with a drive-through lane provide seven stacking spaces per lane. The applicant is requesting an Exception to the stacking lane requirement to allow two spaces in lieu of the required seven spaces. The applicant has indicated that the drive-through for a "Pizza Ranch" does not operate as a conventional drive-through. The customer pre-orders and is given an approximate pick-up time. The drive-through consists of a pick-up window and the wait time is limited. In addition, the applicant has submitted data from the 1556 Luna Avenue "Pizza Ranch" demonstrating that the use of the drive-through does not compare to other fast food restaurants. For these reasons, staff recommends that the Exception to allow two stacking lane spaces in lieu of the required seven spaces be granted.

All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment. The Final Planned Development Overlay will allow for a full service 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 Development.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The applicant is requesting an Exception to reduce the required number of drive-through stacking lane spaces from seven spaces to two spaces. The applicant has indicated that the proposed drive-through will not operate as a traditional drive-through. Customers call ahead to order and use the drive-through to pay and pick-up their orders. In addition, the applicant is proposing to provide an additional 39 parking spaces over the minimum required. The additional parking should mitigate any negative impacts.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is requesting an Exception to the required number of drive-through stacking land spaces. The applicant has indicated that the operation of the drive-through does not require seven stacking lane spaces. In addition, the applicant is proposing to provide 112 parking spaces which is 39 spaces over the minimum required

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for the use. The stipulations of approval of this Final Planned Development Overlay will ensure that the applicant meets the standards of the Building Code, Sign Code and Fire Code.

Engineering: Public Works staff identified two issues that needed to be addressed prior to the Initial and Final Planned Development being placed on a Planning Commission agenda. The Institute of Transportation Engineers Trip Generation Manual, 9th Edition, identified that the proposed use would generate an average of 123 trips per weekday peak hour. Section 2.17.1(2) of the Infrastructure Design Criteria Manual states that a Traffic Report is required when trip generation per peak hour exceeds 100 vehicles unless waived by the Public Works Director and Community Planning and Development Services Director. On February 19, 2013, an Exception request was approved to waive the requirement to provide a Traffic Report. In addition, Public Works staff requested that the applicant show that truck turning movements could be accommodated on the proposed site plan. The applicant revised the proposed site plan to show that truck turning movements could be accommodated for delivery trucks to the proposed restaurant.

Public Works staff has also identified issues that must be addressed prior to submittal of a building permit. In particular, the applicant must provide support information for the proposed sand filter basin profile or the sand filter basin profile must be revised as per Figure 2.11 of the Storm Water Quality Manual. The erosion and sediment control plan must be revised to include the owner's signature and the contractor's signature. The construction plans must be revised to show the relocation of the no-parking sign located in the shared access approach on the east property line. In addition, the construction plans must be submitted for review and approval. The applicant must dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement must be submitted with the building permit application.

Landscaping: A minimum of 67,251 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 67,890 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: A minimum of 73 parking spaces must be provided. In addition, three of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The applicant has submitted a parking plan showing a total of 112 parking stalls. In addition, five of the parking spaces are handicap accessible with one of the spaces being "van accessible". The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

Air Quality: An Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

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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.

Signage and Lighting: The applicant has submitted a sign package identifying wall signs located on the east and north sides of the building. Two of the proposed signs are 6 feet high by 15 feet wide. The third wall sign is located on the east side of the building and is approximately 2 feet high by 3 feet wide. In addition, the applicant has identified a 27 foot high pole sign on the northwest corner of the property along East Stumer Road. The proposed signs read "Pizza Ranch". The proposed signage is in compliance with the Sign Code. All signage must continually conform to the Sign Code. 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. All signage not in conformance with the Sign Code or any electronic reader board signs will require the review and approval of a Major Amendment to the 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 the proposed signs.

The applicant has submitted plans that identify the location of outdoor lighting in the parking lot. All outdoor lighting must 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.

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Notification: 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 7, 2013 Planning Commission meeting if these requirements have not been met.