

STAFF REPORT
April 4, 2013

No. 13PD009 - Final Planned Development

ITEM 2

GENERAL INFORMATION:

APPLICANT	Midland Atlantic
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	CPP Rushmore II, LLC
REQUEST	No. 13PD009 - Final Planned Development
EXISTING LEGAL DESCRIPTION	Lot 6 of Block 3 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.20 acres
LOCATION	1734 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Development)
East:	General Commercial District (Planned Development)
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 8, 2013
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Final Planned Development be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. An air quality permit shall be obtained for any surface disturbance greater than one acre;
3. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval;
4. Prior to issuance of a building permit, the applicant shall submit a maintenance agreement or other documentation identifying the parties responsible for the perpetual maintenance of the on-site Aqua Swirl Stormwater Treatment System and two storm water energy dissipaters;

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5. Prior to issuance of a Certificate of Occupancy the applicant shall execute a water valve access agreement to allow access to the on-site water shut-off valve;
6. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
7. Prior to issuance of a Certificate of Occupancy, the sanitary sewer service line proposed for the property shall be installed in accordance with the Rapid City Infrastructure Design Criteria Manual and the Building Code;
8. A minimum of 63 parking spaces shall be provided as shown on the submitted plans dated March 27, 2013. An additional 7 parking spaces shall be provided for the proposed drive through window. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
9. A minimum of 44,132 points of landscaping shall be provided as shown on the submitted plans dated March 27, 2013. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
10. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-ways and not be a hazard to the passing motorist or constitute a nuisance of any kind;
11. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
12. All applicable provisions of the International Fire Code shall be maintained;
13. All provisions of the General Commercial District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
14. This Final Planned Development shall allow for development of a strip mall to include restaurant and retail space. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development Overlay to allow development of a commercial center. In particular, the applicant is requesting a Final Planned Development for a strip mall with four suites with landscaping and parking. Submitted plans also show a drive-through window for one of the suites. The proposed commercial development is located in the Rushmore Crossing commercial neighborhood and is located within a Planned Development. As such, the applicant has submitted this Planned Development Overlay to allow development of a commercial center.

The property is located at 1724 Eglin Street, on the north side of Eglin Street in the Rushmore Crossing commercial development. The property is currently undeveloped.

STAFF REVIEW: Staff has reviewed the request for a Final Planned Development Overlay pursuant to the requirements of Rapid City Municipal Code Chapter 17.50.050.F(5) and has noted the following considerations:

There are certain conditions pertaining to the particular piece of property in question because of

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its size, shape, or topography;

The property is comprised of approximately 1.20 acres of land zoned General Commercial District located on the north side of Eglin Street. There are no conditions pertaining to this particular piece of property due to its size, shape, or topography.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

The Rushmore Crossing commercial development was approved for this area through an Initial Planned Development (File #07PD019) and a number of Final Planned Developments. In addition, Major Amendments to the Planned Development have since been approved for various properties in the area. The application of these regulations does not create a practical difficulty or undue hardship.

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;

The applicant has not requested any exceptions to the underlying zoning district. All provisions of the underlying zoning district must be met unless specifically authorized as a stipulation of this Planned Development or a subsequent Major Amendment. The Final Planned Development will allow the construction of a commercial shopping center comprised of four suites. Any change in use permitted in the General Commercial District will be permitted. 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 Final Planned Development.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

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

Any adverse impacts will be reasonably mitigated;

The Planned Development must serve as the tool to ensure that any adverse impacts of the proposed development will be mitigated. Submitted plans show that the proposed structure meets all the requirements for setbacks, lot coverage, and building height in the General Commercial District. All provisions of the General Commercial District will be continually maintained. Prior to issuance of a building permit, final construction plans must be submitted for review and approval. An air quality permit must be obtained prior to disturbance of earth greater than one acre.

Utilities: Public Works staff has noted that plans show a single combined fire and domestic water supply with an on-site domestic water shut-off valve. Prior to issuance of a Certificate of Occupancy the applicant must execute a water valve access agreement to allow access to the on-site shut-off valve.

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Public Works staff has noted that prior to issuance of a Certificate of Occupancy, the proposed sanitary sewer service line to the existing stub must be installed in compliance with the Infrastructure Design Criteria Manual and the Building Code.

A drainage summary and calculation has been submitted for review and approval. Prior to issuance of a building permit, the applicant must submit an agreement or other documentation identifying the parties responsible for perpetual maintenance of the on-site Aqua Swirl Stormwater Treatment System and the two storm water energy dissipaters.

Parking: Submitted plans show that approximately 3,673 square feet of the proposed structure are being identified with a restaurant use, requiring 11 parking spaces per 1,000 square feet of gross floor area. The balance of the square footage of the structure is being calculated as retail space, requiring 5 parking spaces per 1,000 square feet of gross floor area. Based on the submitted uses and square footages, a total of 63 parking spaces are required for the proposed development with an additional 7 stacked parking spaces for the proposed drive through window. Plans show 63 parking spaces are being proposed, with an additional seven stacked parking spaces for the proposed drive-through. The applicant should note that if future development of the property includes more than 3,673 cumulative square feet of restaurant uses, the parking as proposed will not suffice. Staff recommends that parking comply with the approved site plan and the requirements of the Rapid City Parking Ordinance.

Landscaping: Based on submitted plans, a minimum of 44,132 points of landscaping are required on the property. A total of 44,260 points of landscaping are being proposed. Previous developments along the north side of Eglin Street in the Rushmore Crossing Subdivision have been required to landscape on the north side of the structures in order to provide a buffer between the commercial development and U.S. Interstate 90. The property of this proposed Planned Development is located outside the boundary established for the provision of this landscape screening and, as such, no landscaping is required on the north side of the structures on the property. In addition, the separation between the structures and the Interstate 90 roadway is increased due to the East North Street interchange. The site does not directly abut Interstate 90 and is not directly viewable from Interstate 90. Staff recommends that the landscaping be installed and maintained as shown on the approved site plan dated March 27, 2013. All landscaping must be installed and maintained in compliance with the requirements of the Rapid City Landscaping Ordinance.

Signage: The submitted sign package shows signage proposed for the northern and southern sides of the building as well as a ground sign. A Development Complex Designation was approved as a part of the Initial Planned Development (File # 07PD019) to allow two Joint Identification ground signs as a part of the development. The location of this proposed Planned Development is outside the boundaries of the Development Complex Designation boundary and, as such, the Complex Designation does not affect the proposed ground sign. All signage must comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

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

Retail sales and services are a permitted use in the General Commercial District. Development of the property through the Planned Development process will ensure that the property will meet the development standards set forth by the Zoning Ordinance and will be consistent with development in the area. The proposed development meets all the requirements of the General Commercial District. For these reasons, staff recommends that the Final Planned Development be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The proof of notification mailing has not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the April 25, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this request.