

STAFF REPORT
April 25, 2013

No. 13PD010 - Final Planned Development

ITEM 7

GENERAL INFORMATION:

APPLICANT	Midland Atlantic
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	CPP Rushmore II LLC
REQUEST	No. 13PD010 - Final Planned Development
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 2 of Rushmore Crossing, located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.95 acres
LOCATION	1021 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
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 28, 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, all redlined comments shall be addressed and all redlined plans shall returned to Community Planning and Development Services;
4. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval;
5. Prior to City acceptance of all public utility improvements, a utility easement shall be

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- recorded with the Register of Deeds. A copy of the recorded easement shall be submitted for review;
6. Prior to issuance of a Certificate of Occupancy the applicant shall execute a water valve access agreement to allow access to the on-site shut-off valve. A copy of the agreement shall be submitted to Community Planning and Development Services;
 7. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
 8. A minimum of 77 parking spaces shall be provided. A minimum of 4 of the provided off-street parking spaces shall be handicap accessible. A minimum of 1 of the handicap accessible parking spaces shall be van accessible. All parking shall comply with the approved site plan and the requirements of the Rapid City Parking Ordinance;
 9. A minimum of 57,160 points of landscaping shall be provided. All landscaping shall be installed and maintained as shown on the approved site plan. 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-way 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 retail store. 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 retail space with landscaping and parking. In particular, the applicant is requesting a Final Planned Development to allow 15,184 square foot retail store to be located in the Rushmore Crossing commercial development. The Rushmore Crossing commercial development is located within a Planned Development and, as such, the applicant has submitted this Planned Development Overlay to allow development of the retail store.

The property is located at 1021 Eglin Street, west of the existing Scheel's sports store 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 questions because

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of its size, shape, or topography;

The property is comprised of approximately 1.66 acres of developed area zoned General Commercial District located on the south side of Eglin Street between Scheel's sports store and Sam's Club. 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 commercial retail space. 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 reasonable 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.

Public Works comments: Public Works staff has noted that plans show 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. Public Works staff has also noted that proposed public utility improvements are located on private property, requiring an easement to allow access to the utilities. Prior to City

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acceptance of all public utility improvements, a utility easement shall be recorded with the Register of Deeds. A copy of the recorded easement shall be submitted for review.

Parking: Submitted plans show that the 15,814 square feet of proposed commercial space will be used for a single retail business, requiring 5 parking spaces per 1,000 square feet of gross floor area. As such, a total of 77 parking spaces are required for the proposed development. A minimum of 4 of the provided parking spaces must be handicap accessible. One of the handicap accessible parking spaces must be van accessible. Plans show 141 parking spaces are being proposed. 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 57,160 points of landscaping are required on the property. A total of 57,880 points of landscaping are being proposed. Staff recommends that the landscaping be installed and maintained as shown on the approved site plan. All landscaping must be installed and maintained in compliance with the requirements of the Rapid City Landscaping Ordinance.

Signage: Submitted plans do not show any proposed ground signage for the development. The applicant has noted that this proposed Planned Development is within the boundaries of the Development Complex Designation boundary approved as a part of the Initial Planned Development (File # 07PD019) for Rushmore Crossing. This Complex Designation allows two Joint Identification ground signs as the only permitted ground signage for businesses located within the boundary of the Designation. As such, a ground sign is not permitted for this proposed development. 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.

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.