

STAFF REPORT
August 8, 2013

No. 13PD027 - Major Amendment to a Planned Development to Expand a Sporting Goods Store **ITEM 4**

GENERAL INFORMATION:

AGENT	42nd Street Design Studio
PROPERTY OWNER	CPP Rushmore, LLC
REQUEST	No. 13PD027 - Major Amendment to a Planned Development to Expand a Sporting Goods Store
EXISTING LEGAL DESCRIPTION	Lot 5A5 and Tract C of Block 2 of Rushmore Crossing, located in Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.93 acres
LOCATION	1211 Eglin Street
EXISTING ZONING	General Commercial Distict (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	July 11, 2013
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to expand a sporting goods store be approved with the following stipulations:

1. An Exception to allow signage on a property which does not abut a public street is hereby granted. All signage shall comply with the submitted sign package. 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 the Major Amendment to the 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;
2. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;

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3. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted;
4. All parking shall continue to comply with the previously approved Major Amendment to the Planned Development, File #07PD074;
5. All landscaping shall continue to comply with the previously approved Major Amendment to the Planned Development, File #07PD074;
6. 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;
7. All applicable provisions of the International Fire Code shall be continually maintained;
8. All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation to this Major Amendment to the Planned Development or a subsequent Major Amendment to the Planned Development, and;
9. The Major Amendment to the Planned Development shall allow for the expansion of the existing Scheels sporting goods store. All uses permitted in the General Commercial District shall be allowed contingent upon provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has requested a Major Amendment to the Planned Development to allow for a 19,000 square foot expansion to the existing Scheels sporting goods store located in the Rushmore Crossing commercial development. The existing Scheels was approved through the Planned Development process (File #07PD061) on September 20, 2007. Parking and landscaping for the entire Rushmore Crossing Planned Development, including the subject property, was approved as a separate Planned Development (File #07PD074) on the same date. On July 16, 2013, staff approved a Minor Plat (File #13PL070) to combine the Scheels lot and the lot adjacent to the west into one lot. The applicant is now proposing to expand the existing store to the undeveloped land located immediately west of the building and, as such, has submitted this Major Amendment to the Planned Development.

The property is located at 1211 Eglin Street, at the western end of Rushmore Crossing. The property is currently developed as Scheels sporting goods store.

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

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

The property is comprised of approximately 3.402 acres of land zoned General Commercial District. Property in all directions is also zoned General Commercial District. The area is located in a developing section of the City. The originally approved Planned Development was for a 50,000 square foot sporting goods store to be known as "Scheels". The submitted master plan for Rushmore Crossing showed that property located immediately to the west of the existing Scheels was proposed to be developed as two small retail stores. The applicant

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is now proposing to develop the property as an approximately 19,000 square foot expansion of Scheels. Prior to issuance of a Certificate of Occupancy, all water and sewer lines on a property which are not to be used must be abandoned at the main in compliance with the requirements of the Infrastructure Design Criteria Manual. The size, shape, or topography of the lots does not create particular conditions limiting the development of the property.

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

Rushmore Crossing, including the existing Scheels, has been developed through the Planned Development process. The proposed 19,000 square foot expansion is an approximately 38 percent expansion of the existing store. Expansion of a Planned Development greater than 20 percent requires that a Major Amendment to the Planned Development be approved. It does not appear that application of these regulations to this piece of property would 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;

Currently two wall signs are located on the property. The applicant is proposing to include one additional wall sign to be located on the western elevation of the building and to relocate one of the two existing wall signs. No pole signage is proposed as a part of this development and the property does not abut a public street. The originally approved Planned Development required that the applicant submit a revised sign package in compliance with the requirements of the Rapid City Sign Code, obtain a Variance from the Sign Code Board of Appeals, or amend the ordinance to allow a sign on a property that does not abut a public street. Recent changes to the Municipal Code now permit Exceptions for signage to be obtained through a Planned Development. The applicant has requested an Exception to allow signage on a property that does not abut a public street. The Scheels property is accessed via access easements from Luna Drive on the west and Eglin Street to the north. These access easements serve as frontage for the Scheels location and access a number of other locations in the Rushmore Crossing Subdivision. Based on the unique operation of the Rushmore Crossing development as a campus with multiple access points located in proximity to the structure, it does not appear that the requested Exception will have a negative impact on neighboring businesses. As such, staff recommends that the requested Exception to allow signage on a property which does not abut a public street be approved. It should be noted that Scheels is located within the boundary for the Rushmore Crossing Joint Identification sign. However, any proposed signage for the Joint Identification Sign is not being reviewed as a part of this Major Amendment to the Planned Development. All signage must comply with the submitted sign package and the requirements of the Rapid City Municipal Code. Changes to the signage which comply with the requirements of the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment. The addition of Electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

A building permit is required prior to construction. A Certificate of Occupancy is required

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prior to occupancy of the expansion. Prior to issuance of a building permit, final construction plans must be signed and stamped by a registered professional engineer. Prior to a Certificate of Occupancy, temporary or permanent erosion and sediment control measures must be in place. In addition, all parking and landscaping must be installed.

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

The General Commercial District is intended for personal and business services and the general retail business of the city. The originally approved Planned Development allowed a sporting goods store. The proposed expansion will provide an additional 19,000 square feet of retail space, storage space, and office space for the sporting goods store. A literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

This Major Amendment will allow for a 19,000 square foot expansion of the existing Scheels store. Any other uses permitted in the General Commercial District will be allowed. Conditional uses in the General Commercial District will require a Major Amendment to the Planned Development. The parking and landscaping for the Rushmore Crossing Subdivision have been approved through other Planned Developments. It appears that the landscaping proposed around the expanded building complies with the landscaping previously approved for the Rushmore Crossing development. All landscaping and parking must continue to comply with the previously approved Major Amendment to the Planned Development, File #07PD074.

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;

This Major Amendment to the Planned Development will modify the Master Plan of the originally approved Planned Commercial Development to allow expansion of an existing sporting goods store in lieu of two smaller retail stores. The requested Exception for signage will permit the property to be developed with design standards consistent with the rest of the development and the requirements of the Rapid City Municipal Code. The use is permitted in the General Commercial District. Based on these reasons, staff recommends that the Major Amendment to the Planned Development to allow expansion of the existing Scheels be approved with the stipulations noted above.

Notification Requirements: The sign has been posted on the property. As of this writing, the proof of the required mailing has not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the August 8, 2013 Planning Commission if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Major Amendment to the Planned Development.