

STAFF REPORT  
August 8, 2013

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**No. 13PD030 - Initial Planned Development to Allow a Convenience Store**

**ITEM 9**

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GENERAL INFORMATION:

APPLICANT	Big D Oil Co
AGENT	Henriksen, Inc.
PROPERTY OWNER	First Western Bank
REQUEST	<b>No. 13PD030 - Initial Planned Development to Allow a Convenience Store</b>
EXISTING LEGAL DESCRIPTION	Lot 8 of Block 2 of Black Hills Center, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.57 acres
LOCATION	Southwest of the corner of 5th Street and East Stumer Road
EXISTING ZONING	General Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development) - General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 12, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Initial Planned Development to allow a convenience store in the General Commercial District be approved with the following stipulations:

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1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;
2. Upon submittal of a Final Planned Development, revised plans shall be submitted showing that a minimum of 72 parking spaces are being provided. A minimum of three of those spaces shall be stacked parking spaces for the drive through automatic teller machine. A minimum of three parking spaces shall be handicap accessible. One of the handicap accessible spaces shall be van accessible. All parking shall comply with the requirements of the Rapid City Parking Ordinance;
3. Upon submittal of a Final Planned Development, revised plans shall be submitted to include a full landscaping plan with a points calculation. A minimum of 63,890 points of landscaping shall be provided. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
4. Upon submittal of a Final Planned Development, a sign package shall be submitted for review and approval. All signage shall comply with 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 Initial 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;
5. Upon submittal of a Final Planned Development, the Traffic Impact Study for the area shall be updated to include the proposed convenience store with gas sales use, or an Exception shall be obtained waiving the required Traffic Impact Study;
6. Upon submittal of a Final Planned Development, a drainage report shall be submitted including the design of the storm water quality treatment;
7. Prior to issuance of a building permit, an air quality construction permit shall be obtained for all disturbances of earth greater than one acre;
8. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval. In particular, plans shall show all proposed water and sewer connections, storm water quality treatment, 5 foot wide property line sidewalks located along 5<sup>th</sup> Street and Stumer Road, curb cuts and driveway approaches in compliance with the requirements of the Infrastructure Design Criteria Manual, and truck turning movements;
9. Prior to issuance of a Certificate of Occupancy, all parking and landscaping shall be installed;
10. All provisions of the International Fire Code shall be maintained;
11. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of the Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
12. This Initial Planned Development shall allow for the construction of a convenience store with gasoline sales. Uses permitted in the General Commercial District shall be permitted contingent upon provision of sufficient parking. Conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted an Initial Planned Development to allow a convenience store with gas sales to be located on approximately 1.57 acres of property zoned General Commercial District. The property is part of a Planned Development Designation (File #04PD061), requiring that the property be developed

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through the Planned Development process. Prior to issuance of a building permit, a Final Planned Development must be approved for the property. The area is currently developing as the Black Hills Center, a commercial project which includes a Wal-Mart and a strip mall with a variety of commercial uses. The applicant has proposed to construct a 6,000 square foot convenience store with gas sales on a single parcel in the Black Hills Center development and, as such, has submitted this Initial Planned Development.

The property is located southwest of the intersection of 5<sup>th</sup> Street and Stumer Road and is currently undeveloped.

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 1.57 acres of land zoned General Commercial District in a Planned Development Designation. Property to the north, south, and west is also zoned General Commercial District in a Planned Development Designation. Property to the east is zoned General Commercial District with some portions located in a Planned Development, and other portion in a Planned Development Designation. The area is located in a developing section of the City. 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;*

The applicant has indicated that they are not requesting any Exceptions for the development of the property. Submitted plans show that the proposed convenience store with gas sales will meet all the land area regulations of the General Commercial District. 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;*

No Exceptions to the underlying zoning district have been requested. All provisions of the General Commercial District must be continually maintained unless specifically authorized as a stipulation of the Final Planned Development or a subsequent Major Amendment to the Planned Development.

*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. A convenience store with gas sales is a permitted use in

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the General Commercial District. The property is located within a Planned Development Designation, requiring that it be developed through the Planned Development process. 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;*

Public Works comments: Upon submittal of a Final Planned Development, final plans signed and sealed by a professional engineer must be submitted. In particular, plans must show all proposed water and sewer connections, storm water quality treatment, 5 foot wide property line sidewalks located along 5<sup>th</sup> Street and Stumer Road, curb cuts and driveway approaches in compliance with the requirements of the Infrastructure Design Criteria Manual, and truck turning movements. In addition, upon submittal of a Final Planned Development, a drainage report must be submitted for review and approval to include the design of the required storm water quality treatment.

Transportation Planning comments: Transportation planning staff has noted that the original Traffic Impact Study submitted with the Black Hills Center Planned Development addressed potential traffic resulting from development of the property. However, the additional gas pumps and square footage of the store result in a higher trip generation than identified in the original Traffic Impact Study. A minimum of 218 trips per weekday peak hour are expected for a 16 pump convenience store. A minimum of 97.14 trips per weekday peak hour can be expected for a 6,000 square foot convenience store. Upon submittal of a Final Planned Development, the Traffic Impact Study must be updated to include the revised uses on the property or an Exception must be obtained waiving the requirement for a Traffic Impact Study.

Building Inspections comments: Building Inspections staff has noted a building permit must be obtained prior to construction. A Certificate of Occupancy is required prior to occupancy. An air quality construction permit is required for disturbances of earth greater than one acre. Permanent or temporary erosion and sediment control measures must be in place prior to occupancy.

Fire Department comments: The Rapid City Fire Department has not noted any concerns with the proposed Initial Planned Development. All requirements of the International Fire Code must be maintained.

Parking: A minimum of 72 parking spaces are required for the propose convenience store with gas sales. A minimum of three of those parking spaces must be stacked parking spaces for the proposed drive-through Automatic Teller Machine (ATM) located on the property. A minimum of three of the provided off-street parking spaces must be handicap accessible. Two of those handicap accessible spaces must be "van accessible". The submitted plans show that a total of 73 off-street parking spaces are proposed. Two of the proposed parking spaces are stacked spaces for the proposed ATM. One additional stacked parking space must be provided. The required handicap accessible parking spaces are being provided. Prior to issuance of a building permit, revised plans must be submitted showing that the required stacked parking is being provided. A minimum of 72 parking spaces must be

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provided as shown on the submitted site plan. All parking must comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan.

Landscaping: A minimum of 63,890 points of landscaping are required for the proposed development. Submitted plans show that landscaping is being proposed for the property, but a complete landscaping plan including a point calculation was not submitted. Upon submittal of a Final Planned Development, a full and complete landscaping plan providing a minimum of 63,890 points of landscaping must be submitted. All landscaping must comply with the requirements of the Rapid City Landscaping Ordinance.

Signage: A sign package has not been submitted with this Initial Planned Development. Upon submittal of a Final Planned Development, a full sign package must be submitted to Community Planning and Development Services for review and approval. All signage must comply with the submitted sign package and the requirements of the Rapid City Municipal Code. Future changes to the signage which comply with the Rapid City Municipal Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of the Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required of 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;*

This Initial Planned Development will allow the development of a convenience store with gas sales. Uses permitted in the General Commercial District will be permitted contingent upon provision of sufficient parking. Conditional uses in the General Commercial District will require a Major Amendment to the Planned Development.

Notification Requirements: The mailing has been returned to Community Planning and Development Services. The sign has been picked up, but at this time staff cannot confirm that it has been posted on the property. 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 Initial Planned Development.