

STAFF REPORT  
November 21, 2013

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**No. 13PD043 - Final Planned Development Overlay to construct a fast food restaurant** **ITEM 7**

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GENERAL INFORMATION:

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|----------------|--|
| APPLICANT      | Kimley-Horn and Associates   |
| PROPERTY OWNER | THF Stoneridgedevelopment, LLC   |
| REQUEST        | <b>No. 13PD043 - Final Planned Development Overlay to construct a fast food restaurant</b> |

EXISTING  
LEGAL DESCRIPTION

The South Half Of The Northeast Quarter (S1/2ne1/4) Lying Southwesterly Of Fifth Street, Excepting Therefrom Lot H-1 As Shown By The Plat Recorded In Book 6 Of Hwy Plats On Page 13, And Excepting Therefrom Black Hills Center; And Excepting Therefrom Fifth Street Office Plaza; And Excepting Therefrom Stumer Road And E. Stumer Road In Section Twenty-Four (24) In Township One North (T1n), Range Seven East Of The Black Hills Meridian (R7e Bhm), City Of Rapid City, Pennington County, South Dakota. Being The Same As Field Description As Follows: Commencing At The Northwestern Corner Of Lot 7 Of Block 2, Black Hills Center, Common To A Point On The Southerly Edge Of Stumer Road Right-Of-Way, And The Point Of Beginning; Thence, First Course: S 00°19'55" W, Along The Westerly Boundary Of Said Lot 7, A Distance Of 398.60', To The Southwesterly Corner Of Said Lot 7, Common To A Point On The Northerly Edge Of East Catron Boulevard Right-Of-Way; Thence, Second Course: N 89°40'08" W, Along The Northerly Edge Of Said East Catron Boulevard Right-Of-Way, A Distance Of 197.50'; Thence, Third Course: N 00°19'55" E, A Distance Of 272.80', To A Point On The Southerly Edge Of Said Stumer Road Right-Of-Way; Thence, Fourth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Curve Turning To The Left With An Arc Length Of 188.20', With A Radius Of 429.50', With A Chord Bearing Of N 59°37'15" E, With A Chord Length Of 186.70'; Thence, Fifth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Reverse Curve Turning To The Right With An Arc Length Of 47.94', With A Radius Of 370.50', With A Chord Bearing Of N 50°51'43" E, With A Chord Length Of 47.91', To The Said Point Of Beginning

PROPOSED  
LEGAL DESCRIPTION

Lot 6 of Block 2 of Black Hills Center

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| PARCEL ACREAGE              | Approximately 12.56 acres                                     |
| LOCATION                    | 35 East Stumer Road   |
| EXISTING ZONING             | General Commercial District (Planned Development)             |
| FUTURE LAND USE DESIGNATION | Commercial  |
| SURROUNDING ZONING          |   |
| North:                      | General Commercial District (Planned Development)             |
| South:                      | General Commercial (Pennington County)                        |
| East:                       | General Commercial District (Planned Development Designation) |
| West:                       | Office Commercial District (Planned Development Designation)  |
| PUBLIC UTILITIES            | Rapid City water and sewer                                    |
| DATE OF APPLICATION         | October 25, 2013  |
| REVIEWED BY                 | Fletcher Lacock / Nicole Lecy                                 |

**RECOMMENDATION:**

Staff recommends that the Final Planned Development Overlay to construct a fast food restaurant be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a building permit, the applicant shall address red-lined comments on the plans. In addition, the red-lined plans shall be returned;
3. Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval and an erosion and sediment control permit shall be obtained;
4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
5. 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;
6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
8. A minimum of 49 parking spaces shall be provided. Two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." In addition, a minimum of 14 stacking lane spaces shall be provided for the double drive through. All provisions of the Off-Street Parking Ordinance shall be continually met;

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9. A minimum of 59,976 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;
10. Prior to issuance of a sign permit, the proposed directional ground signs shall be relocated outside of the eight foot utility and minor drainage easement. 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;
11. 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;
12. 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;
13. All applicable provisions of the adopted International Fire Code shall continually be met; and,
14. The Final Planned Development Overlay shall allow for the construction of a fast food restaurant. All permitted uses in the General Commercial District shall be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Final Planned Development Overlay to construct a fast food restaurant. In particular, the applicant is proposing to construct a one-story 4,387 square foot "McDonald's" restaurant with two drive-through lanes. The proposed building will have a brick and stone veneer. The applicant has also submitted a Preliminary Subdivision Plan (File #13PL114) to create a lot approximately 1.48 acres in size.

On January 3, 2005, the City Council approved a Rezoning request (File #04RZ052) to change the zoning designation from General Agriculture District to General Commercial District including the above legally described property. The Rezoning request was approved in conjunction with a Planned Development Designation (File #04PD061) approved on December 2, 2004.

The property is located on the north side of Catron Boulevard approximately 515 feet west of the intersection of 5<sup>th</sup> Street and East Stumer Road. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Development Overlay with respect to Chapter

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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 property is relatively flat. The applicant is proposing to construct a one-story 4,387 square foot "McDonald's" fast food restaurant with a drive through. The applicant has also submitted a Preliminary Subdivision Plan to create a lot approximately 1.48 acres in size.

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. A fast food restaurant is a permitted use in the district. The applicant is not requesting any Exceptions from the requirements of the Zoning Ordinance. 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.

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:*

The applicant is not requesting any Exceptions from the requirements of the Zoning Ordinance. All provisions of the General Commercial District of the Rapid City Municipal Code must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment to the Planned Development Overlay. The Final Planned Development Overlay will allow for the construction of a fast food restaurant. All permitted uses in the General Commercial District will be permitted contingent upon an approved building permit and the provision of sufficient parking. All conditional uses in the General Commercial District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

A fast food restaurant is a permitted use in the General Commercial District. The literal interpretation of Chapter 17 of the Rapid City Municipal Code does not deprive the applicant of rights that others in the same district are allowed.

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

Public Works staff has identified issues that must be addressed prior to submittal of a building permit. In particular, the applicant must address red-lined comments on the plans. In addition, the red-lined plans must be returned. The applicant must submit an erosion and sediment control plan for review and approval and must obtain an erosion and sediment control permit. The applicant must dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded

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easement must be submitted with the building permit application.

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 property is zoned General Commercial District. A fast food restaurant is a permitted use in the district. The applicant is not requesting any Exceptions to the requirements of the Zoning Ordinance.

Signage and Lighting: The applicant has also submitted a Preliminary Subdivision Plan to create a lot approximately 1.48 acres in size. The proposed lot will not be located within the approved Joint Identification Development Complex for the "Wal-Mart" development to the north. The applicant has submitted a sign package identifying wall signs that read "McDonald's" on the north and east sides of the building. The McDonald's "M" logo is also identified on all four sides of the building. In addition, the site plan identifies a 45 foot high pylon sign located in the southwest corner of the property adjacent to Catron Boulevard. The proposed pylon sign includes the "McDonald's" name and logo.

The applicant has also identified directional signs located adjacent to the proposed driveways along East Stumer Road. The proposed directional signs appear to be located within the eight foot wide utility and minor drainage easements required along all interior lot lines as a part of platting the property. As such, prior to issuance of a sign permit, the proposed directional ground signs must be relocated outside of the eight foot utility and minor drainage easement. 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 a photometric plan that identifies 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.

Landscaping: A minimum of 59,976 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 95,406 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 49 parking spaces must be provided. In addition, two of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." A minimum of 14 stacking lane spaces must be provided for the double

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drive through. The applicant has submitted a parking plan showing a total of 62 parking spaces. Three of the parking spaces are handicap accessible with one of the parking spaces being "van accessible". In addition, the parking plan identifies 17 stacking lane spaces for the double drive through. 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.

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.

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

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

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the November 21, 2013 Planning Commission meeting if this requirement has not been met.