

STAFF REPORT  
December 5, 2013

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**No. 13PD046 - Final Planned Development to allow a commercial development**      **ITEM 6**

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GENERAL INFORMATION:

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|-----------------------------|--|
| APPLICANT                   | Midland Atlantic   |
| AGENT                       | Renee Catron - Renner & Associates, LLC  |
| PROPERTY OWNER              | CPP Rushmore II, LLC   |
| REQUEST                     | <b>No. 13PD046 - Final Planned Development to allow a commercial development</b>   |
| EXISTING LEGAL DESCRIPTION  | Lot 5A4 of Block 2 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE              | Approximately 1.82 acres   |
| LOCATION                    | 1325 and 1329 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         | November 7, 2013   |
| REVIEWED BY                 | Robert Laroco / Ted Johnson  |

RECOMMENDATION:

Staff recommends that the Final Planned Development to allow a commercial 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. Prior to issuance of a building permit, an access easement for access to the water shut-off valve on private property shall be dedicated. In addition, a copy of the recorded easement shall be submitted with the building permit application;
3. Prior to issuance of a building permit, the applicant shall confirm the location of all water and sanitary sewer services stubbed to the property. All services that will not be used

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- shall be abandoned in compliance with the requirements of the Infrastructure Design Criteria Manual;
4. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer shall be submitted for review and approval;
  5. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
  6. Prior to issuance of a Certificate of Occupancy, all parking and landscaping must be installed in compliance with the requirements of the Rapid City Municipal Code, the previously approved landscaping plan (File #07PD074), and the submitted plans. All parking and landscaping shall be maintained in a live vegetative state and replaced as necessary in compliance with the Rapid City Municipal Code;
  7. 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;
  8. 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;
  9. All applicable provisions of the International Fire Code shall be continually maintained;
  10. All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
  11. This Final Planned Development shall allow for development of a commercial development. All permitted uses in the General Commercial District shall be permitted contingent upon approval of a building permit and 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 submitted a request for a Planned Development to allow a commercial development in the Rushmore Crossing commercial development. In particular, the applicant is proposing to construct a total of four suites located in two structures with a total of 10,599 square feet of retail space. Plans also show an additional 77 parking spaces are proposed. A Planned Commercial Development (File #07PD074) was approved on September 20, 2007 for the parking and landscaping on the western side of the Rushmore Crossing commercial development, including the subject property.

The proposed development is located on the western side of the Rushmore Crossing commercial development, north of the existing Bed, Bath, and Beyond store, and adjacent to Eglin Street. Currently, the property is void of structural development.

**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*

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*its size, shape, or topography;*

The property is comprised of approximately 1.818 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 submitted master plan for Rushmore Crossing showed that the property was anticipated to be developed as additional retail and shopping center space within the Rushmore Crossing commercial development. The applicant is now proposing to develop the property with approximately 10,599 square feet of retail space divided into four suites located in two structures. 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;*

The proposed 10,599 square feet of additional retail space represents the next phase of the Rushmore Crossing Planned Development. As previously noted, the parking and landscaping for this portion of the development have been approved as a part of the previously approved Amendment to the Planned Development. The applicant has not requested any Exceptions to the requirements of the General Commercial District. All requirements of the General Commercial District must be continually maintained unless specifically stipulated as a part of a subsequent Major Amendment to this Final Planned Development. 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.

*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 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;*

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.

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As previously noted, parking and landscaping for the Rushmore Crossing Subdivision, including the subject property, has been approved through past Planned Developments. Submitted plans show that a total of 77 parking spaces are proposed as a part of this Final Planned Development. The proposed landscaping complies with the landscaping plan previously approved for the Rushmore Crossing development as well as the requirements of the Rapid City Municipal Code. Prior to issuance of a Certificate of Occupancy, all parking and landscaping must be installed in compliance with the requirements of the Rapid City Municipal Code, the previously approved landscaping plan (File #07PD074), and the submitted plans.

Transportation Planning staff has noted that the submitted plans do not show sidewalk located along the eastern or southern property lines, along the existing access roads. It should be noted that while sidewalks along the eastern and southern property lines are not required, Transportation Planning staff strongly suggests that the sidewalks be provided in order to provide complete pedestrian access and circulation across the development site.

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

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 contingent upon an approved building permit and the provision of sufficient parking. 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.

*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 Final Planned Development will allow for the next phase of the Rushmore Crossing Planned Development. No Exceptions to the underlying zoning district have been requested. The parking and landscaping appear to comply with the requirements of the Rapid City Municipal Code and the previously approved Planned Development. Based on these reasons, staff recommends that the Final Planned Development to allow a commercial development be approved with the stipulations noted above.

Notification Requirements: The sign has not 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 December 5, 2013 Planning Commission if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.

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November 21, 2013

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