

STAFF REPORT
January 23, 2014

No. 13PD054 - Final Planned Development Overlay to allow a convenience store **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Big D Oil Co
AGENT	Henriksen, Inc.
PROPERTY OWNER	Solo Sailor LLC
REQUEST	No. 13PD054 - Final Planned Development Overlay to allow a convenience store
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	At the southwest corner of 5th Street and Stumer Road
EXISTING ZONING	General Commercial (Planned Development Initial)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial (Planned Development Designation)
South:	General Commercial (Planned Development Designation)
East:	General Commercial (Planned Development)
West:	General Commercial (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 13, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a convenience store be approved with the following stipulations:

1. If the Planning Commission determines that electronic message center signs are appropriate for this location, then an Exception is hereby granted to allow two electronic message centers on the property as shown on the submitted plans;
2. An Exception is hereby approved to increase the permitted height of the proposed pole signs from 35 feet to 45 feet as shown on the submitted plans. All signage shall comply

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- with the requirements of the Rapid City Sign Code. Additional electronic reader boards shall require a Major Amendment to the Planned Development. A sign permit is required of each sign;
3. An Exception is hereby granted to reduce the required amount of off-street parking from 49 spaces to 39 spaces. A minimum of two of the provided parking spaces shall be handicap accessible. One of the provided handicap accessible spaces shall be "van accessible". Three stacked parking spaces shall be provided for the ATM as shown on the submitted plans. All parking shall comply with the requirements of the Rapid City Municipal Code and the submitted parking plan;
 4. A Building Permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
 5. An Air Quality Permit shall be obtained prior to disturbance of earth greater than one acre;
 6. Prior to issuance of a building permit, final plans signed and sealed by a registered professional engineer and/or architect pursuant to SDCL 36-18A shall be submitted for review and approval. In particular, signed and sealed final plans shall be submitted for all retaining walls over 4 feet in height. In addition, plans shall show a detail for the proposed connection to the City's storm sewer inlet;
 7. Prior to issuance of a Certificate of Occupancy, temporary or permanent erosion and sediment control measures shall be achieved;
 8. A minimum of 64,150 points of landscaping shall be provided. All landscaping shall comply with the submitted landscaping plan and the requirements of the Rapid City Landscape Ordinance;
 9. 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;
 10. All requirements of the International Fire Code shall continually be maintained;
 11. All requirement of the General Commercial District shall continually be maintained unless specifically stipulated in this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
 12. This Final Planned Development shall allow for the construction of a convenience store with gas sales. All uses permitted in the General Commercial District shall be allowed contingent upon provision of sufficient parking and an approved building permit. All conditional uses shall require a Major Amendment to Planned Development.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development to allow construction of a convenience store with gas sales to be located on approximately 1.57 acres of property zoned General Commercial District. On August 8, 2013, an Initial Planned Development (File #13PD030) was approved for the property for the convenience store. The area is currently developing as a commercial corridor which includes a Wal-Mart and a strip mall with a variety of commercial uses. The applicant is proposing to construct an approximately 4,240 square foot convenience store with a total of 16 gas pumps and a drive-through ATM machine. The applicant is requesting a reduction in the required number of off-street parking on the property. In addition, submitted plans show that two electronic message centers on 45 foot tall pole signs are being proposed as a part of the development.

The property is located southwest of the intersection of 5th Street and Stumer Road and is

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currently undeveloped.

STAFF REVIEW: Staff has reviewed the request for a Final 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. Property to the north, south, and west are 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 portions 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 proposed uses require that a total of 49 parking spaces, including three stacked parking spaces for the ATM, be provided. The applicant has requested an Exception to reduce the required amount of off-street parking spaces from 49 to 39. Submitted plans show that the required three stacked parking spaces for the ATM are being provided. 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;

As previously stated, the applicant is requesting a reduction in the required amount of off-street parking spaces from 49 to 39. Submitted plans show that additional stacked parking is being provided in the vicinity of the gas pumps to accommodate additional vehicles waiting for access to the gas pumps. However, this space may not be considered legally complying parking spaces pursuant to the Rapid City Parking Regulations. The requested reduction in parking spaces is an approximate 20 percent reduction in the required amount of parking. Based on the provision of additional stacked parking to accommodate drivers for gas pumps, it appears that sufficient parking will be provided for the proposed uses on the property. Based on these reasons, staff recommends that the reduction in the required amount of off-street parking from 49 spaces to 39 spaces be approved. All parking must comply with the requirements of the Rapid City Parking Ordinance. All provisions of the General Commercial District must be continually maintained unless specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment to the Planned Development.

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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 the General Commercial District. An Initial Planned Development was previously approved for the property, requiring a Final Planned Development to be approved prior to construction. 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: Public Works staff has noted that prior to issuance of a building permit, plans signed and sealed by a registered profession engineer and/or architect must be submitted for all retaining walls over 4 feet in height. In addition, prior to issuance of a building permit, revised plans must be submitted showing a detail for the connection to the City's storm sewer inlet located on the property.

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

Transportation Planning comments: It should be noted that during the review of this Final Planned Development, staff noted that an update to the original Traffic Impact Study submitted with the Black Hills Center Planned Development is required according to the standards set forth in the Rapid City Infrastructure Design Criteria Manual. The applicant requested and obtained an Exception from the Design Criteria from the Public Works Department waiving the requirement for an updated Traffic Impact Study. The Exception was granted based on the proposed development, the existing adjacent development, the existing adjacent roadway network and the information contained in the Traffic Impact Study previously prepared for the development.

Building Inspections comments: Building Inspections staff has noted that a Building Permit must be obtained prior to construction. A Certificate of Occupancy is required prior to occupancy. An Air Quality 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. In addition, all site plans must be prepared and stamped a registered professional engineer and/or architect pursuant to SDCL36-18A.

Landscaping: A minimum of 64,150 points of landscaping are required for the proposed development. Submitted plans show that a total of 94,988 points of landscaping are being proposed. All landscaping must comply with the requirements of the Rapid City Landscaping Ordinance.

Signage and Lighting: The submitted sign package shows that two electronic message centers are being proposed as a part of 2 separate 45 foot tall signs. Each message center measures 6 foot 10 inches tall by 12 foot wide, totaling approximately 82 square feet. Both

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message centers comprise a total of 164 square feet of electronic or Light Emitting Diode (LED) signage. The convenience store is located at the intersection of a principal arterial street and a collector street. In addition, Catron Boulevard located to the south of the property is classified as a principal arterial street on the City's Major Street plan and will serve as a regional transportation corridor and gateway to the Black Hills. The South Dakota Department of Transportation has not noted any opposition to the proposed LED signage or the additional height of the proposed signs. If the Planning Commission determines that electronic message centers are appropriate for this area, then staff recommends that the requested electronic message centers be approved as shown on the submitted plans.

Submitted plans show signage located on two pole signs located near each driveway. The proposed and existing development is located in proximity to a regional transportation corridor. In the past, similar pole signs have been approved in other regional commercial corridors in the City. As such, staff recommends that the requested Exception to increase the maximum permitted structure height from 35 feet to 45 feet be approved. All signage must comply with the requirements of the Rapid City Sign Code. Additional electronic reader boards will require a Major Amendment to the Planned Development. A sign permit is required of each sign.

All outdoor lighting must 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;

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 the development of a convenience store with gas sales. The layout of the site will ensure that adequate area exists on the property to accommodate the expected gas sales, while still providing sufficient parking spaces for the convenience store use on the property. For these reasons, staff recommends that the Final Planned Development to allow a convenience store with gas sales be approved with the stipulations outlined above.

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 January 23, 2014 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.