

STAFF REPORT
April 24, 2014

No. 14PD005 - Final Planned Development to allow a restaurant

ITEM 8

GENERAL INFORMATION:

APPLICANT	Peco Kid LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Peco Kid, LLC
REQUEST	No. 14PD005 - Final Planned Development to allow a restaurant
EXISTING LEGAL DESCRIPTION	Lot 2A of Huffman Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.53 acres
LOCATION	1323 East North 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
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 27, 2014
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Final Planned Development to allow a restaurant 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 initiation of the use;
2. Prior to issuance of a building permit, an air quality permit shall be obtained;
3. Prior to issuance of a building permit, all redline comments for the frontage road and the proposed restaurant shall be addressed and all marked plans shall be returned to Public Works;
4. Prior to issuance of a building permit, one set of final, signed and sealed construction plans of the frontage road shall be submitted to Public Works for review and approval. In

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- addition, a final, signed and sealed Geotechnical Analysis and Recommendations for the construction of the frontage road shall be submitted to Public Works. All construction of the frontage road shall comply with the standards set forth by the Rapid City Infrastructure Design Criteria Manual and the Rapid City requirements for subdivision improvements, including project acceptance and providing two year warranty and warranty surety. The applicant shall provide continuous traffic control on the site, including signage, barricades, detours, flaggers, and other control measures as needed throughout the duration of the project. At least 10 days prior to the initiation of construction of the frontage road improvements, the applicant shall schedule a preconstruction meeting with Public Works staff and notify the City a minimum of 48 hours prior to commencement of construction;
5. Prior to issuance of a building permit, the Shared Parking and Access Easement shall be revised to reflect the revised site layout. A copy of the revised Easement shall be submitted to Community Planning and Development Services;
 6. Prior to issuance of a building permit, plans shall be revised to identify all required fire protections and alarm systems. All provisions of the International Fire Code shall be continually maintained;
 7. Prior to issuance of a Certificate of Occupancy, temporary or permanent erosion and sediment control measures must be installed;
 8. All plans shall be prepared and stamped by a registered professional pursuant to SDCL 36-18A;
 9. A minimum of 32 standard parking spaces and 14 stacked parking spaces shall be provided. A minimum of 2 of the provided off-street parking spaces shall be handicap accessible. One of the handicap parking spaces shall be van accessible. All parking shall comply with the submitted site plans and the requirements of the Rapid City Parking Ordinance;
 10. A minimum of 63,554 points of landscaping shall be provided on the property. All landscaping shall be installed and maintained in compliance with the Rapid City Landscaping Ordinance and the submitted Landscaping Plan;
 11. All signage shall comply with the requirements of the Rapid City Sign Code. A copy of any agreements for the use of the Joint Identification Sign located on the property shall be submitted to Community Planning and Development Services. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
 12. All 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;
 13. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of a Major Amendment to this Planned Development, and;
 14. This Final Planned Development shall allow for the development of a restaurant. Any uses permitted in the General Commercial District shall be permitted, contingent upon obtaining a building permit and provision of sufficient off-street parking. Any conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

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GENERAL COMMENTS: The applicant has submitted a Final Planned Development to allow a restaurant to be developed in the General Commercial District. The restaurant, to be known as "Popeye's Louisiana Chicken, is a fast food restaurant serving Cajun-inspired food. The property is one of three lots located within a previously approved Planned Development (File #08PD041) to allow development of the three properties with restaurants. "On the Border" is the first restaurant approved for the location (File #09PD011). The proposed Popeye's will be located immediately to the north of the On the Border location, between the existing restaurant and East North Street. The proposed restaurant will be approximately 2,845 square feet. As a part of the development of the property, submitted plans also show the construction of a frontage road parallel to East North Street, which will provide another point of access to the restaurant. The applicant is not proposing any Exceptions to the requirements of the General Commercial District.

The property is located south of the intersection of East North Street and Century Road and is currently developed with a parking lot for On the Border located to the south of the property.

STAFF REVIEW: Staff has reviewed the requested Final Planned Development pursuant to the requirements of Rapid City Municipal Code Chapter 17.50.050.F(3) and has noted the following considerations:

In reviewing applications for an Initial Planned Development and/or Final Planned Development, the following findings shall be considered in a recommendation for approval or denial:

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

The property is located on 1.53 acres of land currently zoned General Commercial District in a Planned Development. The property is currently developed with a parking lot for the "On the Border" Mexican restaurant located adjacent to the south of the subject property. The surrounding properties are zoned General Commercial District. There are no issues specific to the property due to its size, shape, or topography.

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

A restaurant without alcohol sales is a permitted use in the General Commercial District. However, the property is one of three lots developed within a Planned Development. A Final Planned Development must be approved for the property prior to development of the proposed Popeye's. The application of these regulations to this particular piece of property does not 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;

The applicant has not requested any Exceptions to the underlying zoning district.

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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 Zoning regulations for the General Commercial District identify restaurants as permitted uses in the Zoning District. However, development of the property through the Planned Development process allows the City to review additional criteria to establish the appropriateness of the use within the Zoning District. A literal interpretation of this chapter would not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

This Planned Development will serve as the tool to ensure that potential adverse impacts of the Planned Development are mitigated to the greatest extent possible. Submitted plans show that the proposed structures on the site meet all the setback, building height, and lot coverage requirements of the Medium Density Residential District. A building permit must be obtained prior to construction. A Certificate of Occupancy must be obtained prior to initiation of the restaurant use. All requirements of the General Commercial District must be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development.

East North Street Frontage Road: Public Works staff has noted that a frontage road for East North Street is proposed as a part of this project. Submitted plans show that the property will take one of its two accesses from the proposed frontage road. Public Works staff has noted that prior to issuance of a building permit, all redline comments for the frontage road and the proposed restaurant must be addressed and all marked plans must be returned to Public Works. In addition, prior to issuance of a building permit, one set of final, signed and sealed construction plans of the frontage road must be submitted to Public Works for review and approval. Prior to issuance of a building permit, a final, signed and sealed Geotechnical Analysis and Recommendations for the construction of the frontage road must be submitted to Public Works. All construction of the frontage road must comply with the standards set forth by the Rapid City Infrastructure Design Criteria Manual and the Rapid City requirements for subdivision improvements, including project acceptance and providing two year warranty and warranty surety. The applicant must provide continuous traffic control on the site, including signage, barricades, detours, flaggers, and other control measures as needed throughout the duration of the project. At least 10 days prior to the initiation of construction of the frontage road improvements, the applicant must schedule a preconstruction meeting with Public Works staff and notify the City a minimum of 48 hours prior to commencement of construction.

Traffic Impact Study: The submitted Traffic Impact Study has noted that the level of service for the intersection of East North Street and Century Road will not decrease upon the initiation of the restaurant use. However, it should be noted that the Traffic Impact Study also indicates that the level of service for the intersection will fail by 2035, regardless of the expected development in the area. The applicant and property owners are continuing to work with City staff to address this issue.

Building Services Comments: Building Services Staff has noted that prior to issuance of a building permit an air quality permit must be obtained for disturbances of earth greater than

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one acre. In addition, prior to issuance of a Certificate of Occupancy, temporary or permanent erosion and sediment control measures must be installed. All plans must be prepared and stamped by a registered professional pursuant to SDCL 36-18A.

Parking: Submitted plans show that the restaurant use requires a minimum of 32 parking spaces, while an additional 14 stacked parking spaces are required for the two drive-through lanes. Submitted plans show that the minimum amount of parking spaces is being provided. A minimum of 32 standard parking spaces and 14 stacked parking spaces must be provided. A minimum of 2 of the provided off-street parking spaces must be handicap accessible. One of the handicap parking spaces must be van accessible. All parking must comply with the submitted site plans and the requirements of the Rapid City Parking Ordinance.

The new restaurant will be located on property currently being utilized as shared parking and access for "On the Border" located to the south. The applicant is in the process of revising the existing Access and Parking Easement to provide the same parking and access, but in a revised configuration that will accommodate the new site layout for the Popeye's property. Prior to issuance of a building permit, the Shared Parking and Access Easement must be revised to reflect the revised site layout. A copy of the revised Easement must be submitted to Community Planning and Development Services.

Landscaping: A minimum of 63,554 points of landscaping are required for the site. Submitted plans show that 63,610 points of landscaping are being proposed. It appears the submitted landscaping plans meets all the requirements of the Rapid City Landscaping Ordinance. A minimum of 63,554 points of landscaping must be provided on the property. All landscaping must be installed and maintained in compliance with the Rapid City Landscaping Ordinance and the submitted Landscaping Plan.

Signage: The property includes a Joint Identification Sign previously approved through the existing Planned Development. The ground sign provides space for three businesses. One of these signs is currently used for "On the Border" signage. One of the sign frontages is proposed for use by Popeye's. The sign face measures 15 feet wide by 10 feet, 4 inches tall feet tall, totaling 154.5 square feet. In addition, wall signage is proposed for the structure totaling approximately 179 square feet. A maximum of approximately 1,100 square feet of ground signage and 1,100 square feet of wall signage is permitted on the property. All signage must comply with the requirements of the Rapid City Sign Code. A copy of any agreements for the use of the Joint Identification Sign located on the property must be submitted to Community Planning and Development Services. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The addition of LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

Lighting: All 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.

Fire Department: The Rapid City Fire Department has noted that the site plans identify the installation of fire hydrant and provisions for a fire sprinkler protection system. However,

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submitted architectural plans do not include the protection systems. Prior to issuance of a building permit, plans must be revised to identify all required fire protections and alarm systems. All provisions of the International Fire Code must be continually maintained.

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.

This Final Planned Development will allow for the development of a restaurant. Any uses permitted in the General Commercial District will be permitted, contingent upon obtaining a building permit and provision of sufficient off-street parking. Any conditional uses in the General Commercial District will require the review and approval of a Major Amendment to the Planned Development. It appears that the proposed restaurant complies with all the requirements of the General Commercial District. The Final Planned Development will ensure that any negative impacts of the proposed use are mitigated to the greatest extent possible. For these reasons, staff recommends that the Final Planned Development to allow a restaurant on the property be approved with the stipulations outlined above.

Notification Requirements: The letters have been returned to Community Planning and Development Services for mailing. The sign has been picked up but, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the April 24, 2014 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.