

STAFF REPORT
January 8, 2015

No. 14PD042 - Final Planned Development Overlay to allow a convenience store with a car wash **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Dave Edquist - Holiday Stationstores, Inc.
AGENT	Casey Beaton - Holiday Stationstores, Inc.
PROPERTY OWNER	CPP Rushmore II LLC
REQUEST	No. 14PD042 - Final Planned Development Overlay to allow a convenience store with a car wash
EXISTING LEGAL DESCRIPTION	Lots 8 and 9 of Block 3 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 9A of Block 3 of Rushmore Crossing
PARCEL ACREAGE	Approximately 1.53 acres
LOCATION	Northwest corner of the intersection of E. North Street and Eglin Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
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	December 12, 2014
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

If the Planning Commission determines that the proposed LED sign is appropriate for the character of the neighborhood, staff recommends that the Final Planned Development Overlay to allow a convenience store with a car wash be approved with the following stipulations:

1. The request to allow a 5 foot 11 inch tall by 10 foot 1 inch wide, double-sided Light Emitting Diode (LED) reader board as a part of the approved sign package for the

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- property is hereby granted. All signage shall comply with the submitted sign package and the requirements of the Rapid City Sign Ordinance. Any expansion of the approved LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
2. An Exception is hereby granted to reduce the required front yard setback on the north property line from 25 feet to 13 feet;
 3. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
 4. An air quality permit shall be obtained prior to disturbance of earth greater than one acre;
 5. Prior to issuance of a building permit, all redline comments shall be addressed and returned to Community Planning and Development Services;
 6. Prior to issuance of a building permit, final plans signed and sealed by a registered professional per SDCL 36-18A shall be submitted. In particular, plans shall show that one additional required handicap accessible parking space is being provided. In addition, plans shall show that all construction is in compliance with the requirements of Rapid City Infrastructure Design Criteria Manual;
 7. Prior to issuance of a building permit, post-construction storm water quality calculations and data shall be submitted. In addition, a maintenance and operations agreement for the proposed storm water treatment facilities shall be provided, or an agreement with the City of Rapid City for the maintenance and operation of the storm water quality treatment facilities shall be provided;
 8. Prior to issuance of a Certificate of Occupancy, all erosion and sediment control measures shall be installed as necessary;
 9. All parking shall comply with the requirements of the Rapid City Parking Ordinance. Changes to the parking may be approved as a Minimal Amendment to the Planned Development contingent upon the minimum required amount of parking spaces being provided;
 10. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance. Changes to the landscaping may be approved as a Minimal Amendment to the Planned Development contingent upon the minimum required amount of landscaping being provided;
 11. All lighting shall be designed to preclude shining on adjacent properties and rights-of-way so as to avoid creating a nuisance to neighbors or passing traffic;
 12. All requirements of the International Fire Code shall be continually maintained;
 13. All requirements of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of this Final Planned Development or a future Major Amendment to the Planned Development, and;
 14. This Final Planned Development shall allow for the construction of a convenience store with gas sales and a car wash. Permitted uses in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development Overlay to allow construction of a convenience store with gas sales and a carwash on approximately 1.53 acres of property zoned General Commercial District. On April 26, 2007 the Planning Commission approved an Initial Planned Development for a commercial development

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located in the Rushmore Crossing subdivision (File #07PD019). An associated Lot Line Adjustment/Consolidation application (File #14PL095) was approved by staff on December 22, 2014, which consolidated Lots 7, 8, and 9 of Block 3 into Lots 7A and 9A of Block 3. The plans submitted as a part of this Final Planned Development show the newly approved lot configurations. The property is a triple-frontage lot, with lot lines adjacent to Interstate 90 to the north, East North Street to the east, and Eglin Street to the south. The applicant has requested a reduction in the front yard setback abutting Interstate 90 from 25 feet to 13 feet.

The submitted sign package shows that one Light Emitting Diode (LED) sign is being proposed as a part of this Final Planned Development. An LED sign is typically a permitted use in the General Commercial District. However, the Planning Commission has directed staff to present all LED signage located within a Planned Development to the Planning Commission for their consideration.

The property is located northwest of the intersection of Eglin Street and East North Street and is 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 questions because of its size, shape, or topography;

The property is comprised of approximately 1.53 acres zoned General Commercial District. The area is developing with a variety of commercial uses. The property is generally level and grass-covered. The property is a triple-frontage lot. Property adjacent to the north is a part of the Interstate 90 right-of-way. Property to the east is a part of the Interstate 90-East North Street interchange. Property to the south is a part of the Eglin Street right-of-way. Due to the unusual shape of the property as well as property frontage along three separate street rights-of-way, there are conditions on this property which may impact development.

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

A convenience store with gas sales is a permitted use in the General Commercial District. A car wash is a conditional use in the General Commercial District. The property is located within an existing Planned Commercial Development, requiring that a Final Planned Development be approved prior to issuance of a building permit for the property. The car wash may be requested as a conditional use as a part of this Final Planned Development. The application of these regulations to this particular piece of property would 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;

Submitted plans show that the car wash located on the northern portion of the property is

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located 13 feet from the northern property line. Due to the Interstate 90 right-of-way abutting the property to the north, a minimum 25 foot front yard setback is required from the northern property line. The applicant has requested a reduction in the front yard setback from 25 feet to 13 feet. Property immediately north of the subject property located within the Interstate 90 right-of-way is currently developed as a large drainage area. The proposed car wash is located approximately 420 feet south of the eastbound Interstate 90 exit ramp. The carwash will be located approximately 200 feet west of the East North Street roadway. The existing drainage provides a natural buffer between the proposed development and surrounding roadways. Submitted plans also show that the grading of the property and the adjoining drainage area ensure that the convenience store development is located approximately 20 feet higher than the roadway. The elevation difference as well as the natural buffer provided by the existing drainage ensures that the impacts of a reduced front yard setback are mitigated to the greatest extent possible. It does not appear that the requested reduction in the front yard setback will cause undue hardship to the public good or impair the purpose or intent of these regulations.

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 to provide for the personal and business services and the general retail business of the city and includes convenience stores with gas sales as a permitted use and car washes as a conditional use. 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;

Public Works staff has noted that final construction plans will be required which show that all work complies with the requirements of the Rapid City Infrastructure Design Criteria Manual. In particular, plans must show that the extra 8" sanitary sewer service is being abandoned as required. In addition, post-construction storm water quality calculations and data must be provided. Proof of maintenance and operation of the proposed storm water quality treatment components and/or a covenant agreement with the City of Rapid City for the observation and operation of the storm water quality treatment components must be provided.

A minimum of 45 parking spaces are required for the site, with three of the required parking spaces being stacked parking spaces for the car wash. Submitted plans show that a total of 58 parking spaces are being provided. Three stacked parking spaces for the car wash are being proposed. Two handicap accessible spaces are proposed, with one of the handicap spaces being "van accessible". One additional handicap accessible space must be provided. Prior to issuance of a building permit, final plans must be submitted showing that a minimum of three handicap parking spaces are being provided, with one of the spaces being "van accessible".

A minimum of 42,787 points of landscaping are required on the site. A total of 55,500 points of landscaping are proposed. The proposed landscaping plan complies with the requirements of the Rapid City Municipal Code. The proposed structure is one story tall and

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approximately 22 feet in height.

The proposed pole sign is 45 feet tall. The proposed double-sided LED sign measures 5 foot 11 inches tall by 10 foot 1 inch wide, totaling approximately 59.75 square feet of signage per side. It appears all proposed signage, including the proposed LED message center, complies with the requirements of the Rapid City Sign Code. An LED message center is a permitted use in the General Commercial District. However, in the past the Planning Commission has requested that all LED signage located within a Planned Development be presented to the Planning Commission for their consideration. All signage and lighting must comply with the requirements of the Rapid City Sign Code.

The submitted Traffic Impact Study states that significant improvements are needed to improve the level of service for the intersection of Eglin Street and East North Street. However, the Study also states that traffic operations will not be further impacted by the development of the property with the proposed gas station. Public Works staff has noted that traffic control improvements and upgrades are needed at the intersection with or without the proposed development. In addition, Public Works staff has noted that the applicant should not be responsible for the required improvements as a part of this Final Planned Development.

The Rapid City Fire Department has not noted any concerns with the proposed gas station or car wash. The Fire Department has noted that the structures must be fire-sprinkler protected. All requirements 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 objectives of the existing standard sought to be modified;

Submitted plans show the development of the property as a convenience store with gas sales and a car wash. The property is located within the Rushmore Crossing commercial development, requiring that a Final Planned Development be approved for the property as a part of the next phase of development. The requested Exception to reduce the front yard setback along the north side of the property will allow the property to be developed on a triple-frontage lot with an unusual lot configuration. The drainage area to the north and the differences in elevation will ensure that sufficient buffering is being provided from the adjacent roadways. All parking, landscaping, lot coverage, and building height requirements are being met. The proposed LED sign complies with all the requirements of the Rapid City Sign Ordinance. If the Planning Commission determines that the proposed LED sign is appropriate for the property, staff recommends that the proposed Final Planned Development to allow a convenience store with gas sales and a car wash be approved with the stipulations noted above.

Notification Requirements: The letters of notification have been returned to Community Planning and Development Services for mailing. The sign has been posted on the property. As of this writing, there have been no inquiries into the proposed Final Planned Development.