

STAFF REPORT

March 5, 2015

No. 15PD003 - Final Planned Development Overlay to allow a landscaping company **ITEM 8**

GENERAL INFORMATION:

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|--------------------------------|---|
| APPLICANT | Aspen Ridge Lawn and Landscape, LLC |
| AGENT | David Muck - Ferber Engineering Co., Inc. |
| PROPERTY OWNER | Al Sutton Trustees Sutton Living Trust |
| REQUEST | No. 15PD003 - Final Planned Development Overlay to allow a landscaping company |
| EXISTING LEGAL DESCRIPTION | A portion of Lot 1 of the SE1/4SE1/4 of Section 29, including Lot A of Lot 1 of SE1/4SE1/4 and Excepting Therefrom, Croyle Avenue and Dunsmore Road; Lots H1 and P1 of Lot 1; Lot B of Lot 1; Colonial Pine Hills Sanitary District Well Lot; and, Lot 1 of Flannery Subdivision and Dedicated Right-of-Way all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 3.72 acres |
| LOCATION | South of Sheridan Lake Road between Croyle Avenue and Dunsmore Road |
| EXISTING ZONING | Highway Service (Pennington County) - Suburban Residential District (Pennington County) |
| FUTURE LAND USE DESIGNATION | Mixed Use Commercial |
| SURROUNDING ZONING | |
| North: | General Commercial District |
| South: | Suburban Residential District (Pennington County) |
| East: | Highway Service (Pennington County) - Suburban Residential District (Pennington County) |
| West: | Highway Service (Pennington County) |
| PUBLIC UTILITIES | Colonial Pine Hills Sanitary District water, private sewer |
| DATE OF APPLICATION | February 6, 2015 |
| REVIEWED BY | Robert Laroco / Nicole Lecy |

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a landscaping company

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be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A certificate of completion shall be obtained prior to initiation of the use;
2. Prior to removal of any structures on the property in excess of 120 square feet, a demolition permit shall be obtained;
3. Prior to issuance of a building permit, final construction plans shall be submitted. Plans shall include engineered design for all retaining walls over four feet in height. In addition, plans shall show that accessibility shall be provided to all areas of the property as necessary;
4. All parking shall continue to comply with all the requirements of the Rapid City Parking Ordinance. Changes to the parking shall be permitted contingent upon provision of the minimum required amount of parking;
5. All landscaping shall comply with all the requirements of the Rapid City Landscaping Ordinance. Changes to the landscaping design may be permitted as a Minimal Amendment to the Planned Development;
6. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Final Planned Development. The inclusion of LED signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for each sign;
7. All lighting shall be designed to preclude shining on adjacent properties and rights-of-way in any manner which may create a nuisance to neighboring properties or passing traffic;
8. All requirements of the International Fire Code shall be continually maintained;
9. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a future Major Amendment to the Planned Development, and;
10. This Final Planned Development shall allow for development of the property with a landscaping business. Uses permitted in the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. Conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for a Final Planned Development to allow a landscaping business to be located on approximately 3.72 acres of property recently annexed into the City Limits. Prior to annexation of the property into the City Limits, the property has been used for residential and commercial uses, including a restaurant. Now, Aspen Ridge Lawn and Landscaping, LLC is proposing to convert the property into the office and yard space for their landscaping business. Two of the existing outbuildings will be removed from the property, while a third will be converted from a residential structure to a shop. The former restaurant will be utilized for offices.

On January 5, 2015, staff approved a Planned Development Designation (File #14PD045) on the property. As such, prior to issuance of a building permit, this Final Planned Development must be approved for the property.

On January 20, 2015, City Council approved a request for Annexation (File #14AN005) into the City Limits for this property. The annexation of the property became effective on

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February 20, 2015.

On February 23, 2015, a Final Plat (File #15PL013) was approved creating Lot 1 of the Country Meadows Subdivision.

On February 2, 2015, City Council approved a request to Rezone those portions of the property recently annexed into the City Limits from No Use District to General Commercial District (File #14RZ012). The rezoning of the property became effective February 27, 2015.

The property is located southeast of the intersection of Sheridan Lake Road and Croyle Avenue, in the southwestern corner of the City. The property is currently developed with a number of commercial and residential structures.

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 3.72 acres of property zoned General Commercial District with a Planned Development Designation. The area has recently been annexed into the City Limits and is developed with a variety of commercial and residential structures. Submitted plans show that two of the outbuildings located on the property will be removed while the residential structure is being remodeled into a shop for the business. It does not appear that there are any conditions on the property due to its size, shape, or topography which would limit the development of the site.

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

On January 5, 2015, staff approved a Planned Development Designation (File #14PD045) on the property. As such, prior to issuance of a building permit, a Final Planned Development must be approved for the property. The application of these regulations does not create a practical difficulty or undue hardship on the property.

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 General Commercial District are being requested as a part of this Final Planned Development.

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 the City with a district for the personal and business services and the general retail business of the City. A landscaping

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company is a permitted use in the General Commercial District. 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;

Building remodels: Submitted plans show that the existing residential structure will be remodeled into a shop for the business. The former restaurant will be converted into office space. It is anticipated that business at the location will generally be by appointment only and will not generate much, if any, walk-in traffic.

Parking: The proposed shop will be for existing employees and is not anticipated to generate additional parking from the employees of the business. As such, additional parking for the shop is not required. A minimum of 11 parking spaces are required, with one of those spaces being a van accessible handicap space. A total of 24 parking spaces are being proposed. Two handicap accessible spaces are being provided, with one of the handicap spaces being van accessible. One of the provided handicap spaces is van accessible. All parking must comply with the requirements of the Rapid City Landscaping Ordinance.

Landscaping: Submitted plans show that a minimum of 50,000 points of landscaping are required for the property. A total of 188,000 points of landscaping are being proposed. It appears the proposed landscaping meets the requirements of the Rapid City Landscaping Ordinance. All landscaping must continue to comply with the requirements of the Rapid City Landscaping Ordinance.

Utility Services: Submitted plans show the property is currently serviced via the Colonial Pine Hills Sanitary District and an existing on-site wastewater sewer system. Although plans do show that water and sewer lines are proposed for construction, they will not be connected to City utilities at this time. The applicant should note that the utility services must still be inspected by the Rapid City Utility Maintenance Department to ensure that all utilities are being installed pursuant to the Infrastructure Design Criteria Manual.

Rapid City Fire Department comments: The Rapid City Fire Department has noted no issues with the proposed development and will continue to work with the applicant to address any existing and future fire mitigation requirements as necessary. 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 with a landscaping business. No Exceptions to the underlying requirements of the General Commercial District are being requested as a part of this Final Planned Development. Utility services are being provided by the Colonial Pine Hills sanitary district and an on-site wastewater disposal system. It appears all parking and landscaping requirements are being met for the proposed development. As such, staff recommends that the Final Planned Development be approved

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with the stipulations outlined in the staff report.

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 requested Final Planned Development.