

STAFF REPORT  
March 26, 2015

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**No. 15PD007 - Final Planned Development Overlay to allow a retail development**      **ITEM 7**

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GENERAL INFORMATION:

APPLICANT	Midland Atlantic
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	CPP Rushmore II, LLC
REQUEST	<b>No. 15PD007 - Final Planned Development Overlay to allow a retail development</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 2 of Rushmore Crossing, located in Section 30 (also in Section 29), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.95 acres
LOCATION	1183 Eglin Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use 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	March 27, 2015
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

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

1. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
3. Prior to issuance of a Building Permit, the owner shall dedicate a utility access easement to the City to allow access to the water shut-off valve;
4. Temporary or permanent site stabilization shall be achieved prior to issuance of a

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- Certificate of Occupancy;
5. All parking and landscaping shall continue to comply with the previously approved Planned Development for the property, specifically File #07PD074;
  6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  7. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
  8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  9. 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;
  10. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  11. The Final Planned Development Overlay shall allow for a retail development on the property. Any change in use that is a permitted use in the General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. All conditional uses in the General Commercial District 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 construct a retail development with a total of 88,700 square feet of retail area. There is an existing commercial building already located on the property called the "Boot Barn" that is approximately 15,000 square feet in size. There will be 53,700 square feet of new building added on the south side of the property adjacent to the "Boot Barn" and another 20,000 square foot building located on the north side of the property. The new development will add 73,700 square feet of retail space and a restaurant with a patio area. The applicant will come forward with a Major Amendment to the Planned Development if an on-sale liquor establishment is proposed in the future.

The property is located approximately 200 feet south of the signalized entrance to Sam's Club on the south side of Eglin Street east of the intersection of Eglin Street and Luna Avenue. This property is located in the Rushmore Crossing Shopping Center. Currently, the "Boot Barn", parking, and paved circulation are located on the property.

**STAFF REVIEW:**

Staff has reviewed the Initial Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

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

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The proposed retail development will be located on a lot approximately 346,303 square feet in size located south of Eglin Street within the "Rushmore Crossing" commercial corridor. There is an existing 15,000 square foot retail building located on the property called the "Boot Barn". There is also paved parking and landscaping associated with the "Boot Barn" development.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The applicant is proposing to construct a retail development on the western end of the "Rushmore Crossing" commercial corridor. There will be 53,700 square feet of new building added on the south side of the property adjacent to the "Boot Barn" and another 20,000 square foot building located on the north side of the property. The new development will add 73,700 square feet of retail space and a restaurant with a patio area. The property is located in the "Rushmore Crossing" Planned Development boundary requiring that a Final Planned Development Overlay be approved prior to issuance of a Building Permit. The applicant is not requesting any Exceptions.

3. *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 is not requesting any Exceptions.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

A Major Amendment to the Planned Development will be required for any conditional uses, including an on-sale liquor establishment.

6. *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:*

The applicant is not requesting any Exceptions to the minimum land area regulations.

Fire Department: The proposed structure will be fire sprinkler protected. All applicable provisions of the adopted International Fire Code must continually be met.

Engineering: Prior to issuance of a Building Permit, a utility access easement to allow the City access to the water shut-off valve must be signed.

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Parking and Landscaping: 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. All landscaping must continue to comply with the requirements of the Rapid City Municipal Code, the previously approved landscaping plan, (File #07PD074), and the submitted plans.

Signage and Lighting: The applicant has submitted elevations showing potential wall sign areas on the frontages of the proposed buildings. The applicant should be aware that the proposed signs must be in compliance with the Sign Code which allows approximately 2,000 square feet of signage. A Sign Permit for each sign. The property is located within the Rushmore Crossing Development Complex Designation which does not allow any ground signage for properties located within the boundary. The applicant is not proposing any ground signs or pole signs. It appears that the proposed signage is in compliance with the Sign Code.

The applicant has also submitted a photometric plan and elevations identifying decorative wall lights and parking lot lighting. All outdoor lighting must continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the March 26, 2015 Planning Commission meeting if this requirement has not been met.