

# STAFF REPORT

April 9, 2015

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## **No. 15PD006 - Final Planned Development Overlay to construct a commercial building** **ITEM 5**

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### GENERAL INFORMATION:

APPLICANT	Midland Atlantic
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	CPP Rushmore II, LLC
REQUEST	<b>No. 15PD006 - Final Planned Development Overlay to construct a commercial building</b>
EXISTING LEGAL DESCRIPTION	Lot 5A1 of Block 2 of Rushmore Crossing, located in Section 29, (also in Section 30), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.17 acres
LOCATION	1201 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 construct a commercial building 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, the applicant shall address redlined comments and return the redlined plans to Community Planning and Development Services;
3. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
4. Prior to issuance of a Building Permit, the owner shall dedicate a utility access easement

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- to the City to allow access to the water shut-off valve;
5. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  6. A minimum of 49 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
  7. A minimum of 44,848 landscaping points shall be provided All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  8. 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;
  9. 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;
  10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  11. 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;
  12. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  13. The Final Planned Development Overlay shall allow for a commercial building 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:

**(Update, March 27, 2015. All revised and/or added text is shown in bold print.) This item was continued at the March 26, 2015 Planning Commission meeting due to a lack of quorum. Staff recommends that the Final Planned Development Overlay be approved with stipulations.** The applicant has submitted a Final Planned Development Overlay to construct a two suite retail building approximately 6,090 square feet in size. The applicant has indicated that one suite will be used as retail or office space and that the other suite will be for a restaurant. The applicant has indicated that a Major Amendment to the Planned Development will be requested if an on-sale liquor establishment is proposed in the future.

The property is located approximately 220 feet east 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 property is void of any structural development.

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#### 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:*

The proposed retail building will be located on a lot approximately 50,938 square feet in size located on the south side of Eglin Street. The property is relatively level.

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 building approximately 6,090 square feet in size with two suites. The proposed commercial building is a permitted use in the General Commercial District. 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.

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Engineering: Upon submittal of a Building Permit, the applicant must address redlined comments and return the redlined plans to Community Planning and Development Services. In addition, prior to issuance of a Building Permit, a utility access easement to allow the City access to the water shut-off valve must be secured.

Parking: The proposed commercial building with a retail suite and a restaurant suite requires that a minimum of 49 parking spaces be provided. The applicant has submitted a parking plan that identifies 79 parking spaces with four parking spaces being handicap accessible and one being "van accessible". The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

Landscaping: A minimum of 44,848 landscaping points must be provided on the property. The applicant has submitted a landscaping plan that shows a total of 55,820 proposed landscaping points. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.

Signage and Lighting: The applicant has submitted elevations showing potential wall sign areas on all faces of the structure. The applicant should be aware that the proposed signs must be in compliance with Sign Code which allows approximately 580 square feet of signage. A Sign Permit for each sign. In addition, the site plan identifies a ground sign located on the north side of the property adjacent to Eglin Street. 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 have been posted. Staff has confirmed that the sign has been posted on the property.