



Rapid City Planning Commission

Planned Development Project Report

February 25, 2016

Applicant Request(s)
Case # 16PD002, a Final Planned Development to allow a convenience store with gas sales, a car wash, and an on-sale liquor establishment in conjunction with a restaurant
Companion Case(s) #: N/A

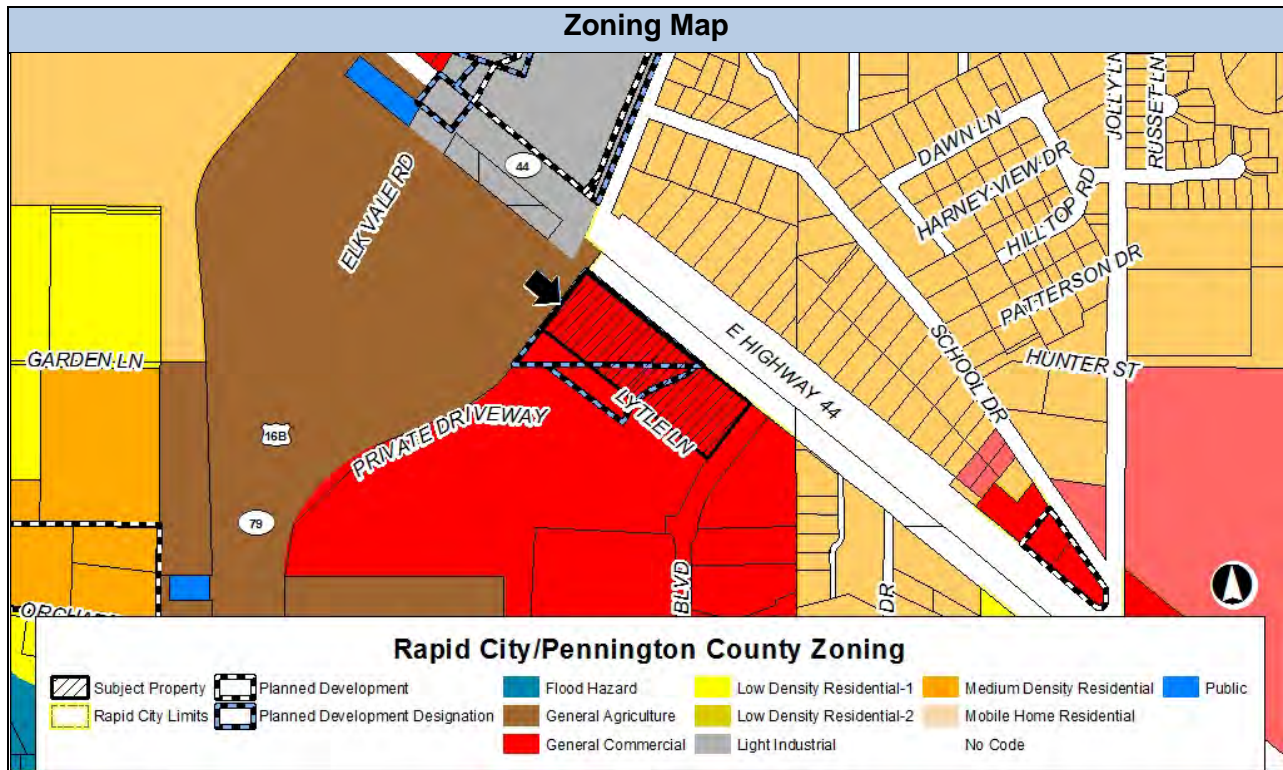
Development Review Team Recommendation(s)
The Development Review Team recommends that the Final Planned Development to allow a convenience store with gas sales, a car wash, and an on-sale liquor establishment in conjunction with a restaurant be approved with the stipulations noted below.

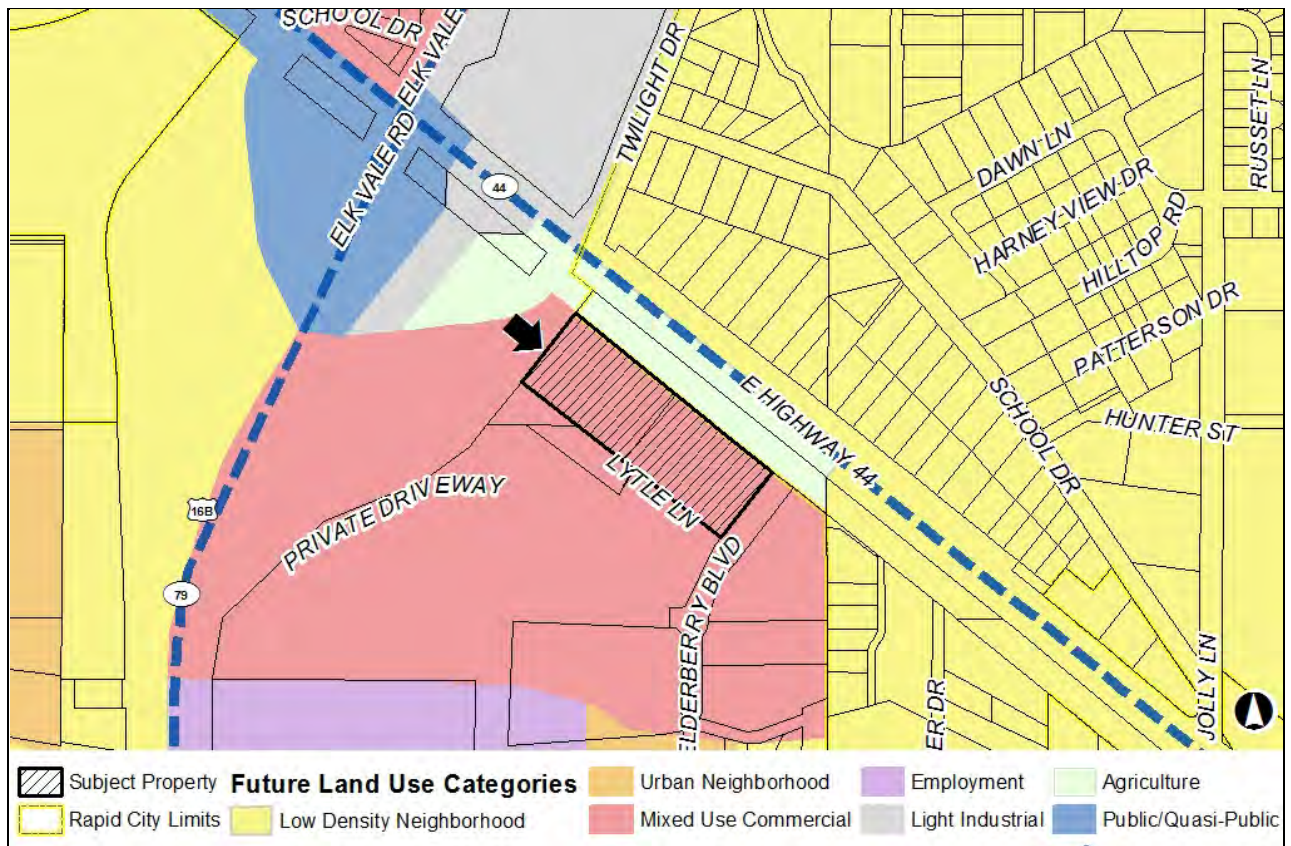
Project Summary Brief
The applicant has submitted a Final Planned Development to allow the construction of a convenience store with gas sales, a car wash, and an on-sale liquor establishment in conjunction with a full-service restaurant on approximately 6.11 acres of property zoned General Commercial District. The applicant is proposing to construct a Common Cents Convenience Store as well as a full-service restaurant southwest of the intersection of Highway 44 and Elderberry Boulevard and is proposing the sale and service of beer and wine as an accessory to the restaurant. The applicant is also proposing to develop a car wash on the property as part of a second phase of development. As a part of the submitted sign package for the property, the applicant is proposing one double-sided Light Emitting Diode (LED) message center measuring 42 square feet per side. No Exceptions are being requested as a part of this Final Planned Development.

Development Review Team Contacts	
Applicant: Moyle Petroleum Co.	Planner: Robert Laroco
Property Owner: Moyle Petroleum Co.	Engineer: Ted Johnson
Architect: Dave Stafford Architecture	Fire District: Tim Behlings
Engineer: Dream Design International, Inc.	School District: Janet Kaiser
Surveyor: Dream Design International, Inc.	Water/Sewer: Ted Johnson
Other:	DOT: Stacy Bartlett

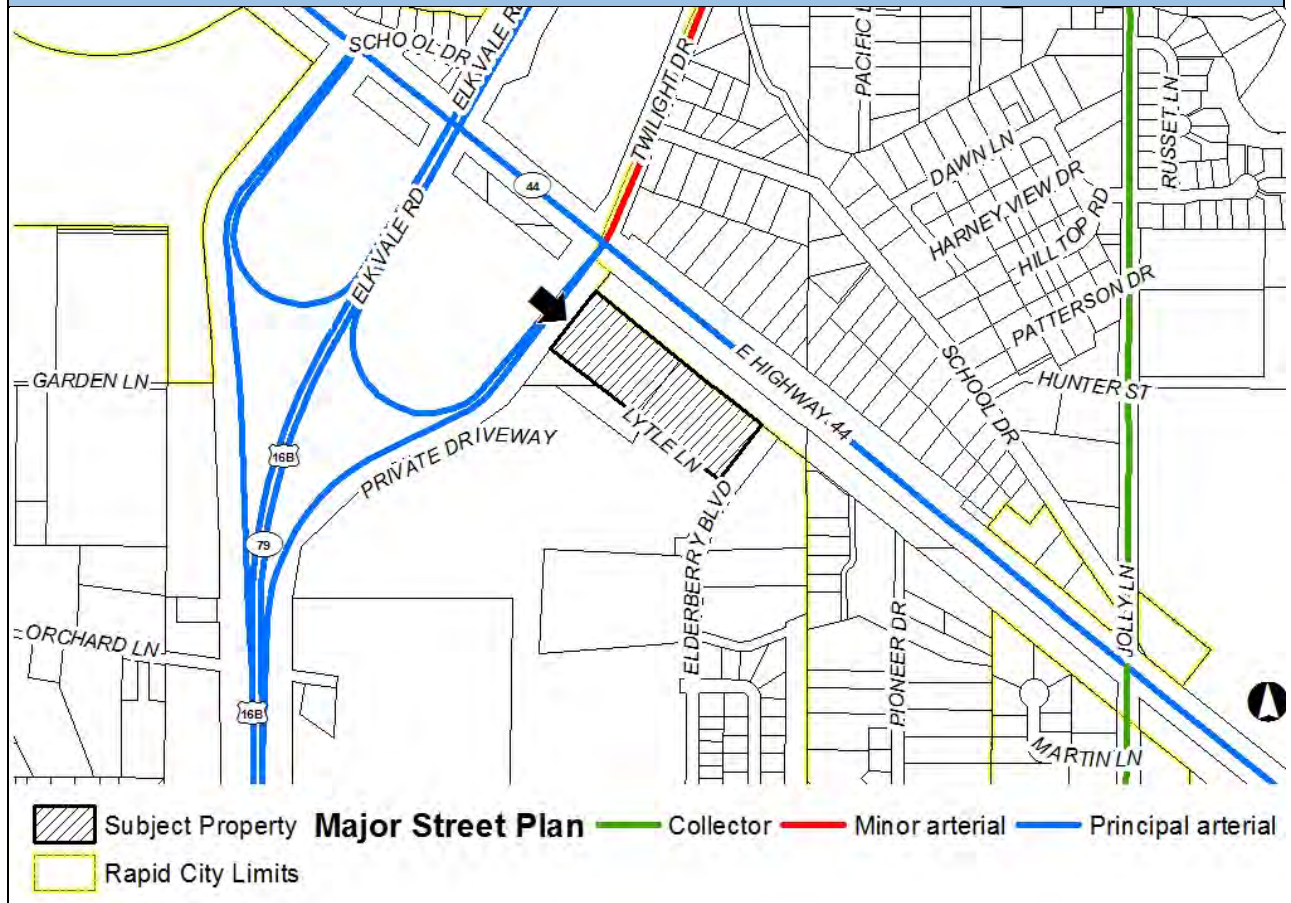
Subject Property Information	
Address/Location	Southwest of the intersection of Highway 44 and Elderberry Boulevard
Neighborhood	Southeast Connector Neighborhood
Subdivision	Orchard Meadows
Land Area	6.11 acres, approximately 266,152 sq ft
Existing Buildings	No existing structures
Topography	Level
Access	Elderberry Boulevard, Lytle Lane
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None identified
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC/PDD	MUC, Gateway corridor	No structural development
Adjacent North	SRD-Pennington County	LDN, Gateway, Entrance Corridor	Mixed residential development
Adjacent South	GC	MUC	No structural development
Adjacent East	GC	MUC, Gateway, Entrance Corridor	No structural development
Adjacent West	GC/PDD	MUC, Gateway, Entrance Corridor	No structural development





Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
08PD063	12/29/08	Planned Development Designation	Staff approved w/ stipulations

00PD009	4/3/00	Planned Development Designation	City Council approved w/ stipulations
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed/Existing	
Lot Area	No minimum required	6.11 acres, approximately 266,152 sq ft	
Lot Frontage	No minimum required	Approximately 1,300 ft	
Maximum Building Heights	4 stories, 45 feet	1 story, 31 ft, 3 inches	
Maximum Density	Maximum 75%	Maximum 10.2%	
Minimum Building Setback:			
• Front	25 ft	Minimum 67 ft	
• Rear	N/A	N/A	
• Side	N/A	N/A	
• Street Side	25 ft	Minimum 164 ft	
Minimum Landscape Requirements:			
• # of landscape points	117,512 required	117,520 proposed	
• # of landscape islands	Minimum 2 islands	3 proposed	
Minimum Parking Requirements:			
• # of parking spaces	139 spaces	144 spaces	
• # of ADA spaces	5 ADA, 1 van accessible	6 ADA, 3 van accessible	
Signage	Per RCMC	Per RCMC, including one LED Message Center measuring 42 sq ft per side.	
Fencing	Per RCMC	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050.F.5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Planned Development:	
	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	The applicant has submitted a request to allow a convenience store with gas sales, a car wash, and an on-sale liquor establishment in conjunction with a restaurant to be constructed on the property. There are no conditions pertaining to this property due to its size, shape, or topography.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	Submitted plans show that the proposed development will be located across two commercially zoned lots. Portions of both lots are located within existing Planned Development Designations. As such, prior to issuance of a building permit, a Final Planned Development must be obtained for the property. In addition, the applicant is requesting a car wash as well as an on-sale liquor establishment operating in conjunction with a restaurant as permitted uses on the property. Both uses are conditional in the General Commercial District. As such, a Conditional Use Permit must be obtained for each use. The application of these regulations to this piece of property does not create an undue difficulty or hardship on the property. The applicant should note that prior to issuance of a Certificate of Occupancy for the proposed car wash, a Lot Line Adjustment Plat must be approved relocating the western property line to include the car wash on the subject property. However, the Lot Line Adjustment plat is not required as a part of the first phase of development.

<p>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;</p>	<p>No Exceptions to the underlying zoning district have been requested as a part of this Final Planned Development.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;</p>	<p>The proposed convenience store, restaurant, and car wash are located on property with a Planned Development Designation. As such, prior to issuance of a building permit for the property, a Final Planned Development must be approved. A literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.</p>
<p>5. Any adverse impacts will be reasonably mitigated;</p>	<p>During review of the application, Long Range Planning staff noted that the proposed signage does not comply with the requirements of the Rapid City Comprehensive Plan. In particular, the submitted sign package includes two pole signs to be used for the gas station and for the restaurant. The property is located in a Gateway and an Entrance Corridor. General Design Principles for Gateways and Entrance Corridors identified within the Comprehensive Plan include avoidance of new visual clutter associated with signage. In particular, signage in new development should be limited to low-profile, coordinated signage, and specifically prohibiting pole signs and billboards in these locations. Any pole signs submitted or approved as a part of this request are in conflict with the Comprehensive Plan. However, it should be noted that all proposed signage, including the proposed pole signs and the proposed LED message center, complies with the requirements of the Rapid City Sign Code.</p> <p>One set of submitted plans show one pole sign at the intersection of Elderberry Boulevard and U.S. Highway 44. The applicant has requested a Light Emitting Diode (LED) message center totaling 42 square feet per side to be located on the proposed 27 foot, 1 inch tall pole sign. The location of the proposed pole sign for the restaurant is not indicated on plans. If the Planning Commission should determine that that the proposed signage is appropriate for the location, then prior to issuance of a building permit, revised plans must be submitted showing the location, design, and dimensions of all proposed signage. However, if the Planning Commission should determine that the proposed signage is not appropriate for this location, then prior to issuance of a building permit, revised plans must be submitted showing the location, design, and dimension of all signage and to address any revisions required to the sign package.</p> <p>Clarification on the location of signage will impact the location and amount of landscaping proposed on the property. The submitted landscaping plan shows that the applicant meets the minimum landscaping points total by only 8 points. Revision of the sign package may result in the landscaping not meeting minimum requirements. As such, prior to issuance of a building permit, a revised</p>

	landscaping plan must be submitted showing that landscaping meets or exceeds minimum landscaping requirements with the inclusion of all proposed signage on the property.
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.	As previously noted, the applicant has not requested any Exceptions to the Zoning Ordinance as a part of this request. The proposed convenience store and restaurant are permitted uses within the General Commercial District. The criteria for review of a conditional use, including the proposed car wash and the proposed on-sale liquor establishment, will ensure that development of the property will meet the standards of the neighborhood and the Rapid City Municipal Code.

Car Wash: Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.18.030.9 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for a Car Wash:

	Findings
1. Adequate ingress and egress;	Submitted plans show access to the site will be taken from Elderberry Boulevard and Lytle Lane. No access is being proposed or permitted on Highway 44.
2. Appropriate landscaping and screening:	Submitted plans show that all required landscaping is being met. However, as previously noted, revisions to the landscaping plan may occur prior to issuance of a building permit for the property. The property is located along a primary commercial corridor of the City at the intersection of two principal arterial streets as identified on the Major Street Plan. Property adjacent to the south is also zoned General Commercial District and should serve as a buffer between the car wash and the residential development expected further to the south. It appears that appropriate landscaping and screening is being provided.
3. Drainage Plan;	Public Works has not noted any issues with the drainage plan submitted for the extent of the proposed development, including the proposed car wash.
4. Any additional requirements the Council may deem appropriate;	No additional requirements have been identified by the City Council for the review and approval of a car wash.








On-Sale Liquor Establishment: Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.50.185 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria in a request for an on-sale liquor establishment:

	Findings
1. The requested use will not adversely affect the use of any place used for religious worship, school, park, playground, or similar use within a 500-foot radius:	There are no schools, parks, playgrounds, or places of religious worship located within 500 feet of the subject property.
2. The requested use is sufficiently buffered with regard to residential areas so as not to adversely affect the areas:	Property located on the north side of U.S. Highway 44 is zoned Suburban Residential District in Pennington County. In addition, property located approximately 700 feet south of the subject property on Elderberry Boulevard is currently developing with residential uses. The property is located on property zoned General Commercial District located along U.S. Highway 44, a principal arterial street on the

	City's Major Street Plan and a major commercial corridor in the City. Planning Commission has previously determined that commercial corridors and the General Commercial District are the appropriate locations for an on-sale liquor establishment, especially when approved in conjunction with another primary use such as the proposed restaurant.
3. The proposed use will not create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values:	There are no other on-sale liquor establishments located within 500 feet of the subject property.
4. The proposed use complies with the standards of Chapters 5.12 and 17.54.030 of the Rapid City Municipal Code:	The requested on-sale liquor establishment complies with all the requirements for a conditional use. A liquor license must be obtained for the operator of the establishment prior to commencement of the use on the property.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters	
 A Balanced Pattern of Growth	
BPG-1.2A	<u>Priority Infill Areas</u> : The proposed convenience store, restaurant, and carwash are part of the Orchard Meadows development, an infill development comprised of a mix of residential and commercial uses located within City Limits in an underdeveloped area of the City.
 A Vibrant, Livable Community	
LC-1.3A	<u>Gateway and Entrance Corridor Standards</u> : The sign package submitted as a part of this request includes some elements which are in conflict with the stated Comprehensive Plan goals of establishing standards as to the design and appearance of features including signage. In particular, the proposed pole signs are in direct conflict with the suggested standards for signage in entrance corridors.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
N/A	N/A
 Economic Stability and Growth	
N/A	N/A
 Outstanding Recreational and Cultural Opportunities	
N/A	N/A
 Responsive, Accessible, and Effective Governance	

GOV-2.1A	<u>Public Input Opportunities:</u> The Final Planned Development requires notification of surrounding property owners and posting of a sign on the property. These notification requirements allow public input into the proposed development. As of this writing, there have been no inquiries into the requested Final Planned Development.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial, Gateway, Entrance Corridor
Design Standards:	
GDP-MU1	<u>Relationship of Uses:</u> The proposed convenience store, gas station, car wash, and restaurant are located in close proximity to the intersection of Elk Vale Road and U.S. Highway 44. Activity-generating uses, including restaurants, should be concentrated at key intersection to increase visibility and encourage pedestrian activity.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Southeast Connector Neighborhood
Neighborhood Goal/Policy:	
SEC-NA1.1E	<u>Entrance Corridors:</u> Highway 44 is an entrance corridor and, as such, a priority should be placed on coordination of signage, landscaping, and development planning to enhance the corridor’s characteristics and appearance. The submitted sign package does not comply with the criteria suggested for signage location within an entrance corridor. However, it should be noted that the proposed signage does comply with the requirements of the Rapid City Sign Code.

The Development Review Team Recommends that the request for a Final Planned Development be approved for the following reasons:

•	The applicant is requesting a Final Planned Development to allow a convenience store with gas sales, a car wash, and an on-sale liquor establishment in conjunction with a restaurant. No Exception have been requested as a part of this Final Planned Development.
•	The proposed car wash meets all criteria for review for a car wash.
•	The proposed on-sale liquor establishment meets all criteria for review for an on-sale liquor establishment. The proposed on-sale liquor establishment is for the sale and service of beer and wine only in conjunction with a proposed table-service restaurant. The General Commercial District is viewed as the appropriate location for an on-sale liquor establishment, especially when operating in conjunction with another primary use, such as a restaurant.
•	The property is located at a key intersection located along an identified primary arterial street, commercial corridor, and entrance corridor into the City. Activity-generating, pedestrian-friendly commercial development is encouraged at these locations.
•	Elements of the submitted sign package do not comply with the requirements of the Rapid City Comprehensive Plan. Specifically, pole signs should be discouraged within Entrance Corridors. However, it should be noted that all proposed signage appears to comply with the requirements of the Rapid City Sign Code.

Staff recommends that the requested Final Planned Development be approved with the following stipulations:

1.	If Planning Commission should determine that the proposed pole signage and LED message center are appropriate for the location, then prior to issuance of a building
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	<p>permit, revised plans shall be submitted showing the location, design, and dimensions of all signage. If the Planning Commission should determine that the proposed signage is not appropriate for the location, then revised plans shall be submitted showing the location, design, and dimensions of all signage and to reflect any required revisions to the sign package. A revised landscaping plan shall be submitted in either case to ensure any revisions to the sign package do not adversely impact the proposed landscaping. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign;</p>
2.	<p>Prior to issuance of a building permit, revised plans shall be submitted showing that all encroachments into the Rapid Valley water main/utility/drainage easements have been removed;</p>
3.	<p>Prior to issuance of a building permit, approval of the proposed utility service and any necessary agreements shall be obtained from Rapid Valley Sanitary District;</p>
4.	<p>Prior to issuance of a building permit, all redline comments shall be addressed and redlined plans shall be returned to Community Planning and Development Services;</p>
5.	<p>Prior to issuance of Certificate of Occupancy for the proposed car wash, a Lot Line Adjustment Plat shall be completed to relocate the common lot line between existing Tracts A and B, and;</p>
6.	<p>This Final Planned Development shall allow for the development of a two-phased commercial development. The first phase of development consists of a convenience store with gas sales and an on-sale liquor establishment operating in conjunction with a full-service restaurant. The second phase will consist of a car wash. All requirements of the General Commercial District shall be continually maintained unless specifically stipulated as a part of a future Major Amendment to the Planned Development. All uses permitted within the General Commercial District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.</p>