



# Rapid City Planning Commission Planned Development Project Report

March 24, 2016

Item #9
<b>Applicant Request(s)</b>
Case # 16PD010, a Final Planned Development Overlay to allow an ice cream shop and restaurant
Companion Case(s) #: N/A

<b>Development Review Team Recommendation(s)</b>
The Development Review Team recommends that the Final Planned Development Overlay to allow an ice cream shop and restaurant be approved with the stipulations noted below.

<b>Project Summary Brief</b>
The applicant has submitted a request for a Final Planned Development Overlay to be located on approximately 0.25 acres of property zoned General Commercial District. Armadillos Ice Cream is currently located at 202 Main Street, northwest of the intersection of Main Street and 2 <sup>nd</sup> Street. The applicant is proposing to relocate the business across 2 <sup>nd</sup> Street to the east, to a new location at 1330 Main Street. The existing structures and development will be demolished and an entire new site will be developed. As a part of this relocation and redevelopment, the applicant is requesting Exceptions to reduce the required amount of off-street parking required on the site, to reduce the required front yard setback along 2 <sup>nd</sup> Street, and to allow a 6-foot fence to be located within the front yard setback. Southwestern portions of the property are located within the Historic District environs.

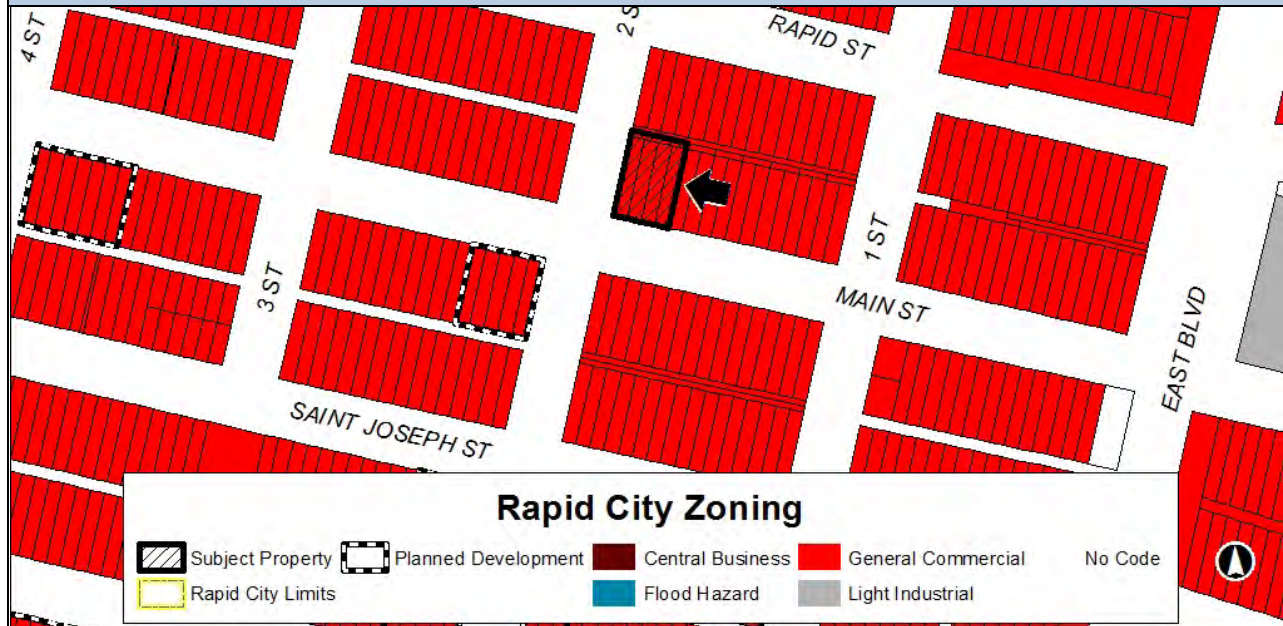
<b>Development Review Team Contacts</b>	
Applicant: Michael Brummer	Planner: Robert Laroco
Property Owner: Vernon Fischer	Engineer: Nichole Lecy
Architect: AE2S	Fire District: Tim Behlings
Engineer: AE2S	School District: Janet Kaiser
Surveyor: AE2S	Water/Sewer: Nicole Lecy
Other:	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	130 Main Street, northeast of the intersection of Main Street and 2 <sup>nd</sup> Street
Neighborhood	Downtown/Skyline Drive Neighborhood
Subdivision	Original Township of Rapid City
Land Area	0.25 acres, approximately 10,890 sq ft
Existing Buildings	Existing commercial structure and associated parking
Topography	Level
Access	Main Street, 2 <sup>nd</sup> Street, existing access easement on the north property line
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Electric/Montana Dakota Utilities
Floodplain	None identified
Other	

### Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	Downtown, Revitalization Corridor	Existing commercial structure
Adjacent North	GC	Downtown, Revitalization Corridor	Existing commercial structure
Adjacent South	GC, GC/PD	Downtown, Revitalization Corridor	Existing bank
Adjacent East	GC	Downtown, Revitalization Corridor	Existing commercial structure
Adjacent West	GC	Downtown, Revitalization Corridor	Existing Armadillos

### Zoning Map

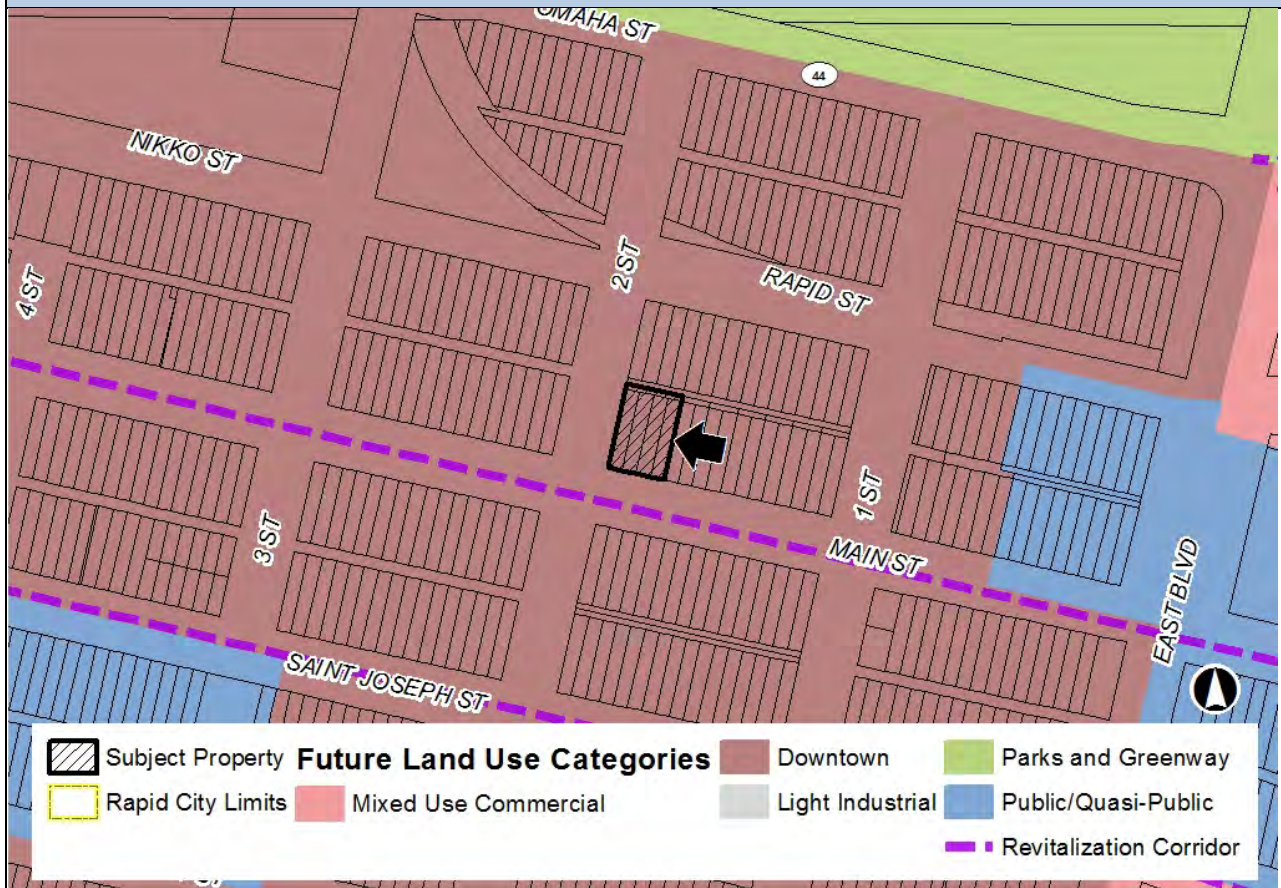


### Existing Land Uses





### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
<b>Relevant Zoning District Regulations</b>			
<b>General Commercial District</b>		<b>Required</b>	<b>Proposed/Existing</b>
Lot Area		No minimum required	0.25 ac, approximately 10,890 sq ft
Lot Frontage		No minimum required	Approximately 250 ft
Maximum Building Heights		4 stories, 45 ft.	1 story, approximately 12 ft, 4 in.
Maximum Density		75%	Approximately 45%
Minimum Building Setback:			
• Front		25 ft	40 ft
• Rear		0 ft	Approximately 32 ft
• Side		0 ft/0 ft	0 ft
• Street Side		25 ft	5 ft
Minimum Landscape Requirements:			
• # of landscape points		5,990 points	5,000 on-site + 1,498 points (25% of 5,990) from off-site = 6,498 points
• # of landscape islands		1 required	0 proposed
Minimum Parking Requirements:			
• # of parking spaces		70	0 (Please note 5 proposed spaces backing into an easement)
• # of ADA spaces		3 ADA, 1 van accessible	0 (Proposed 2 ADA, 1 van accessible which do not comply with Parking Ordinance)
Signage		Per RCMC	<ul style="list-style-type: none"> <li>• 4' x 11' illuminated pole sign</li> <li>• 3'x 8' illuminated marquee pole sign</li> <li>• 68 sq ft pole signage total</li> <li>• 2'6" x 5' wooden wall sign</li> <li>• 2'6" x 2' illuminated wall sign</li> <li>• 17 sq ft wall signage total</li> <li>• Historic Review required</li> </ul>
Fencing		Per RCMC	6 foot tall wooden privacy fence, 0 feet from Main Street right-of-way

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>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:</b>	
	<b>Findings</b>
1. There are certain conditions pertaining to the particular piece of property in question because of its size shape, or topography;	The property is comprised of 0.25 acres zoned General Commercial District. There are no special conditions on the property due to size, shape, or topography.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;	An ice cream shop and restaurant are a permitted use in the General Commercial District. However, the applicant has requested reduction in setbacks and parking. Given the unique character and location of the proposed development, the applicant has requested the proposed ice cream shop and restaurant be reviewed through the Planned Development process. The application of these regulations to this particular piece of property will not create a practical difficulty or undue hardship.

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 has requested an Exception to reduce the required amount of off-street parking on the property from 70 spaces to 0 spaces. It should be noted that the applicant is proposing 5 parking spaces to be located on the north side of the proposed structure. However, the parking spaces do not provide the required minimum 26-foot parking aisle and, as such, cannot be considered legally complying parking spaces. The property is designated as appropriate for Downtown development in the future, and it is anticipated that property in this area will eventually become a part of the downtown, which does not require off-street parking be provided. The business's previous location, immediately west of the subject property, also did not provide the minimum required parking spaces. A similar reduction in parking has been previously approved for the Creamery Building, located at 200 Main Street, southwest of the subject property. Based on the anticipated future development of the area and the pedestrian-focused character of the existing and proposed development, the requested Exception to reduce the required amount of off-street parking is appropriate and does not impair the public good or the intent of the Zoning Ordinance.

The applicant is requesting a reduction in the required front yard setback along 2<sup>nd</sup> Street from 25 feet to 5 feet. Submitted plans show that a 40-foot front yard setback is being provided along Main Street. However, 2<sup>nd</sup> Street is anticipated to accommodate much less traffic and does not serve as a principal arterial street on the City's Major Street Plan. Submitted plans show that landscaping planters are being proposed within the right-of-way adjacent to 2<sup>nd</sup> Street, which should serve to provide a buffer between the activity associated with the Armadillos and the traffic on 2<sup>nd</sup> Street. In addition, the property is anticipated to be developed as part of the Downtown in the future. Currently property zoned Central Business District does not have setback requirements. Development of this site with standards similar to the existing downtown development will ensure that the character of the downtown is being preserved and maintained.








The applicant is also requesting an increase in the height of a fence in the front yard setback from 4 feet 6 feet. Submitted plans show that a 6-foot-tall wooden privacy fence is being proposed to be located at the southeastern corner of the structure and extending south to the southern property line abutting Main Street. Public Works has noted the fence is not located within any site triangles. The fence will provide screening and a buffer between the outdoor seating and pedestrian courtyard in front of the Armadillos and Main Street traffic. Given the character of the proposed development, the proposed fence will help to encourage and protect the pedestrian-oriented street life created by the proposed ice cream shop. The requested



	Exception does not impair the public welfare and supports the intent of the Zoning Ordinance.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;	A literal interpretation of the Zoning Ordinance would require 70 off-street parking spaces be provided on the site and the building set back a minimum of 25 feet from both adjacent streets. The resulting character of such development is contrary to the goals and objectives of the Comprehensive Plan and the existing character of the neighborhood. However, an ice cream shop and restaurant are permitted uses 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.
5. Any adverse impacts will be reasonably mitigated;	<p>Parks and recreation and Public Works staff have noted that the proposed landscaping located in the right-of-way should be maintained by Parks and Recreation staff similar to landscaping found in the Central Business District. In the General Commercial District, the property owner is responsible for the installation and maintenance of landscaping adjacent to their property. However, Parks and Recreation staff have noted the following recommendations regarding proposed streetscaping:</p> <ul style="list-style-type: none"> <li>• The Sentry Linden is an acceptable street tree at this time.</li> <li>• Parks and Recreation recommends that the street trees be placed along Main Street rather than 2<sup>nd</sup> Street in order to retain a cohesive downtown character.</li> <li>• The proposed planters should match street treatment upgrades being installed as a part of the Downtown Tree Grate Improvement Project, regardless if located along 2<sup>nd</sup> Street or Main Street. Additional details on tree grates and planter design can be provided by Parks and Recreation.</li> </ul> <p>During review of this item, Planning staff noted that landscaping is proposed along southern portions of the property adjacent to Main Street, making additional landscaping within the Main Street right-of-way unnecessary. In addition, landscaping proposed within the 2<sup>nd</sup> Street right-of-way will buffer the proposed building from the street and provide pedestrian-oriented open space around the proposed development and outside of the busy Main Street right-of-way. As such, the proposed landscaping plan is mitigating potential adverse impacts of the requested reduction in front yard setback along 2<sup>nd</sup> Street.</p> <p>Based on the unique character of the development geared toward pedestrian customers, as well as the character of existing development in the area and the expected character of future development, it appears that the requested reduction in parking is appropriate for the</p>

	proposed development. The applicant has noted that the large amount of available on-street parking in close proximity to the subject property will ensure that parking needs are being met.
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.	Armadillos has been an existing business in Rapid City for decades. The unique character of the business as pedestrian-oriented, combined with its existing and newly proposed locations along a primary commercial corridor and within an area anticipated for downtown development in the future, makes the requested Exceptions for parking, setbacks, and fence height appropriate for the area. The requested Planned Development will allow for a unique and innovative design which achieves the intent of the Zoning Ordinance.

**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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
BPG-1.2B	<u>Priority Activity Centers for Reinvestment. Downtown:</u> The proposed development encourages the continued redevelopment of the downtown area as a regional destination and the hub of many community activities.
	<b>A Vibrant, Livable Community</b>
LC-4.2B	<u>Targeted Infill and Redevelopment:</u> The proposed development, in combination with the anticipated redevelopment of the old Armadillos site, will encourage redevelopment of the area located between the downtown and the South Dakota School of Mines with a variety of uses promoting vibrancy and activity.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
N/A	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
N/A	N/A
	<b>Economic Stability and Growth</b>
EC-1.3A	<u>Local Business Support:</u> The proposed development allows for the expansion and improvement of a long-standing local business at a new location within its existing neighborhood.
	<b>Outstanding Recreational and Cultural Opportunities</b>
N/A	N/A
	<b>Responsive, Accessible, and Effective Governance</b>

GOV-2.1A	<u>Public Input Opportunities</u> : The Final Planned Development requires notification of surrounding property owners within 250 feet of the property boundary 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 Planned Development Overlay.
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<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Downtown, Revitalization Corridor
<b>Design Standards:</b>	
Chapter 10, p 99	<u>Mixed-Use Opportunity Areas, Downtown</u> : The development is traditional characteristics of downtown development, including compact, pedestrian-friendly scale, historic character, and a part of a broad mix of uses in the area.
Chapter 10, p 98	<u>Mixed-Use Activity Centers and Corridors, Revitalization Corridors</u> : The project is located along Main Street, an identified Revitalization Corridor. The proposed development will spur reinvestment and redevelopment of the area while retaining the character of the neighborhood.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Downtown/Skyline Drive Neighborhood
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1B	<u>Regional Activity Center</u> : The proposed development supports the ongoing redevelopment and reinvestment in the Downtown as a regional destination for shopping, business, dining, arts, and entertainment.

<b>The Development Review Team Recommends that the request for a Major Amendment to the Planned Development be approved for the following reasons:</b>	
•	The applicant is requesting Exceptions to reduce the required off-street parking from 70 to 0, to reduce the required front yard setback from 25 feet to 5 feet, and to allow a 6-foot fence to be located in the front yard setback along Main Street in lieu of a 4-foot-tall fence. The requested Exceptions lend to the unique character of the neighborhood and comply with the objectives of the Comprehensive Plan to create pedestrian-friendly, activity-generating uses through redevelopment and reinvestment.
•	The proposed development will allow for the relocation of an existing ice cream shop within the same neighborhood, encouraging improvement and expansion of local businesses and adding to the unique character of the Downtown.

<b>Staff recommends that the requested Major Amendment to the Planned Development be approved with the following stipulations:</b>	
1.	The requested Exception to reduce the required amount of off-street parking from 70 spaces to 0 spaces is hereby granted;
2.	The requested Exception to reduce the required front yard setback along 2 <sup>nd</sup> Street from 25 feet to 5 feet is hereby granted;
3.	The requested Exception to increase the permitted height of a fence located in the front yard setback from 4 feet to 6 feet is hereby granted;
4.	Prior to issuance of a sign permit, an 11.1 Historic Review shall be completed for all proposed signage located within the Historic Environs;
5.	All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) message centers are being approved as a part of this Final Planned Development. The inclusion of any LED message centers shall require a Major Amendment to the Planned Development. A sign permit shall be required for each sign;



6.	All landscaping located within the right-of-way shall be installed and maintained by the applicant. The applicant shall coordinate with Parks and Recreation to ensure that the planters located within the right-of-way match design standards of planters currently used by the City, and;
7.	This Final Planned Development shall allow for development of the property with an ice cream shop and restaurant. All requirements of the General Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a future Amendment to the Planned Development. All uses permitted in the General Commercial District which do not increase the required amount of off-street parking shall be permitted contingent upon an approved building permit. All permitted uses in the General Commercial District which do increase the required amount of off-street parking on the property, and all conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.