

STAFF REPORT

April 7, 2005

**No. 05PD020 - Planned Commercial Development - Initial and Final
Development Plan**

ITEM 44

GENERAL INFORMATION:

PETITIONER	Steve Hale for The Olive Garden
REQUEST	No. 05PD020 - Planned Commercial Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots 12 and 13 of the Rushmore Mall Addition in portions of Lot 1 of Tract A of the Control Data Addition and Tract D in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.254 Acres
LOCATION	160 Disk Road
EXISTING ZONING	Shopping Center - 2 District
SURROUNDING ZONING	
North:	Shopping Center - 2 District (Planned Commercial Development)
South:	General Commercial District
East:	Shopping Center - 2 District (Planned Commercial Development)
West:	Shopping Center - 2 District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/9/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be approved with the following stipulations:

1. The use allowed within the Planned Commercial Development shall be limited to a restaurant;
2. Prior to any demolition on the property the applicant shall obtain a Demolition Permit;
3. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;
4. An Air Quality Permit shall be obtained as the area of disturbance exceeds one acre;
5. A front yard setback of 25 feet shall be provided for any structures located on site;
6. A rear yard setback of 10 feet shall be provided for any structures located on site;
7. Prior to Planning Commission approval, the site plan shall be revised to show the trellis located a minimum of 10 feet from the rear property line or removed from the site plan;

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8. Prior to Planning Commission approval, the site plan shall be revised to show that the dumpster screening wall is setback a minimum of 10 feet from the rear property line;
9. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;
10. No off-premise, flashing or electronic motion signs shall be permitted for the proposed Planned Commercial Development;
11. Prior to Planning Commission approval, the site plan shall be revised to show the 11 small trees proposed along the north side of Disk Drive replaced with large evergreen trees to act as a year round buffer between the parking lot and Disk Drive
12. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
13. An exception is hereby granted to allow the parking lot to be located within the required 25 foot front yard setback;
14. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
15. The southern driveway approach from Disk Drive shall be constructed in accordance with the standard detail 60-4 of the Standard Specs for Public Works Construction, 2004 edition;
16. Sidewalks shall be installed along Disk Drive as it abuts the subject property in compliance with the Street Design Criteria Manual;
17. Prior to Planning Commission approval, the applicant shall demonstrate that the loading area on the north side of the proposed structure will accommodate loading trucks and not block the circulation road serving the Rushmore Mall parking lot;
18. The proposed structure shall be fully fire sprinkled and fire alarmed as per the International Fire Code;
19. All applicable provisions of the International Fire Code shall be continually met;
20. The existing water and wastewater service lines providing service to the existing structure shall be abandoned when the existing structure is removed. The line abandonment must be coordinated with the City Utility Maintenance Department;
21. Prior to Planning Commission approval, the applicant shall submit a revised drainage analysis that shows the existing area and the design area to match or provide documentation as to the discrepancy between the two areas;
22. Prior to Planning Commission approval, the drainage plan must be revised to show the erosion control measures to be used on site during construction and the direction of water flow throughout the site;
23. Prior to Planning Commission approval all plans and calculations shall be stamped by a professional engineer;
24. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
25. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The subject property is located on the north side of Disk Drive between North Haines Avenue and North Maple Avenue. The subject property currently has a vacant restaurant located on it. The applicant is proposing to remove the existing

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structure and construct a new 7,685 square foot restaurant on the subject property. The applicant is requesting approval of a Planned Commercial Development – Initial and Final Development plan to allow the construction of a restaurant on the subject property.

STAFF REVIEW: Staff has reviewed the Planned Commercial Development – Initial Development Plan and has noted the following considerations:

Demolition Permit: As previously indicated the applicant is proposing to remove the existing structure located on the subject property. Prior to any demolition on the property the applicant must obtain a Demolition Permit.

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction, and that a Certificate of Occupancy must be obtained prior to occupying the building.

Air Quality Permit: Staff noted that the area of disturbance exceeds one acre in size. As such, an Air Quality Permit must be obtained.

Design Features: The submitted site plan identifies that a 7,685 square foot structure is proposed to be constructed on the east portion of the subject property. The submitted building elevation drawings show that the proposed structure will be 22.5 feet in height. The exterior of the proposed structure will be a simulated stone veneer with wood facia and concrete tile roofing. The proposed building is in compliance with all applicable provisions of the Rapid City Municipal Code.

Setbacks: The applicant's site plan shows the proposed structure setback from the front property line as it abuts Disk Drive 25 feet. The proposed structure will be setback from the west side property line 266 feet and 28 feet four inches from the east side property line. The applicant has requested that the rear yard setback be reduced from the required 30 feet to 10 feet. Due to the fact that the rear of the subject property is adjacent to the parking lot of the Rushmore Mall and the proposed encroachment into the setback will not interfere with the required sight triangle, staff supports the reduced rear yard setback. However, the applicant's site plan indicated that a wooden trellis on the north side of the proposed structure will be setback from the rear property line five feet. Staff recommends that the site plan be revised to show the trellis located a minimum of 10 feet from the rear property line or be removed from the plan. Staff also noted that the eight foot high dumpster screening wall is located six feet from the rear property line. Staff recommends that the site plan be revised to show the dumpster screening wall is setback a minimum of 10 feet from the rear property line.

Lighting: The applicant's site plan shows exterior and parking lot lighting to be located on the exterior walls of the structure and within the parking lot. All site lighting will need to be directed away from the adjacent rights-of-way and residential zoned properties.

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Signage: The applicant's site plan shows a 112 square foot ground sign located at the southeast corner of the property along Disk Drive. The submitted sign package shows numerous wall signs to be located on the exterior of the proposed structure. The total square footage of signage allowed for the subject property is 780 square feet. The submitted sign package indicates 230 square feet of wall signage will be provided on the proposed structure. The total signage proposed for the subject property is 342 square feet which is less than the 780 allowed by the Sign Code. Staff recommends that no off-premise, flashing or electronic motion signs be permitted.

Landscaping: Section 17.32.080 of the Rapid City Municipal Code requires that any part of the shopping center site not used for buildings or other structures, parking, loading, access ways or pedestrian walks shall be landscaped with grass, trees or shrubs. The applicant's landscape plan shows that all areas of the property not used for buildings, parking, loading, access or walkways are landscaped with grass, trees and shrubs. The site plan shows that 11 small trees, three medium trees and 170 shrubs are located between the parking lot and disk drive. However, staff has concerns about the small trees providing adequate buffering from the parking lot. As such, staff recommends that the site plan be revised to show the 11 small trees proposed along the north side of Disk Drive replaced with large evergreen trees to act as a year round buffer between the parking lot and Disk Drive.

Parking Plan: The Rapid City Municipal Code requires that 85 off-street parking stalls be provided for the proposed development. The applicant's site plan shows a total of 87 off-street parking stalls with four being handicapped accessible and one of those being a "van accessible" stall. Section 17.32.040 of the Rapid City Municipal Code requires that all parking areas be setback a minimum of 25 feet from the street line. The applicant's site plan shows that 23 parking stalls are located within the required 25 foot front yard setback. The requirement limiting parking within the front yard setback is to encourage additional landscaping to act as a buffer between parking area and the public right-of-way and to encourage additional landscaping near the parking lot. As previously indicated, the applicant's landscape plan shows increased landscaping between the parking lot and Disk Drive. The landscaping plan shows that 11 small trees, three medium trees and 170 shrubs located on the south and west side of the parking lot, between the parking lot and Disk Drive. Due to the increased landscaping shown between the parking lot and Disk Drive, staff supports allowing the parking lot to extend into the required 25 foot front yard setback.

Access: Staff noted that the southern driveway approach from Disk Drive must be constructed in accordance with the standard detail 60-4 of the Standard Specs for Public Works Construction, 2004 edition. Staff also noted that sidewalks must be installed along Disk Drive as it abuts the subject property as per Section 16.16.090 of the Rapid City Municipal Code. Staff also has concerns that the loading area on the north side of the proposed structure is not adequate to accommodate delivery trucks. Prior to Planning Commission approval, the applicant must demonstrate that the loading area on the north side of the proposed structure will accommodate loading trucks and not block the circulation road serving the Rushmore Mall parking lot.

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Fire Safety: Staff noted that the number of hydrants, hydrant location, and access to and around the subject property appear to be adequate as shown on the submitted site plan. Staff also noted that the proposed structure must be fully fire sprinkled and fire alarmed as per the International Fire Code.

Utilities: Staff noted that the existing water and wastewater service lines providing service to the existing structure must be abandoned when the existing structure is removed. The line abandonment must be coordinated with the City Utility Maintenance Department.

Drainage: Staff noted that the drainage analysis submitted shows that the existing area differs from the design area. Staff noted that the applicant must submit a revised drainage analysis that shows the existing area and the design area to match or provide documentation as to the discrepancy between the two areas. Staff also noted that the drainage analysis submitted was not stamped by a professional engineer. Prior to Planning Commission approval, the drainage analysis must be stamped by a professional engineer. Staff noted that the drainage plan must be revised to show the erosion control measures to be used on site during construction and the direction of water flow throughout the site.

Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the April 7, 2005 Planning Commission meeting if these requirements have not been met.

Staff recommends approval of the Planned Commercial Development – Final Development Plan with the above stated stipulations.