

STAFF REPORT  
May 22, 2008

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**No. 08PD016 - Major Amendment to a Planned Commercial Development**

**ITEM 44**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Cabela's Retail, Inc.
REQUEST	<b>No. 08PD016 - Major Amendment to a Planned Commercial Development</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.68 acres
LOCATION	Southeast of the intersection of Dyess Avenue and East Mall Drive
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/18/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing that the dog kennel(s) can be accessed without interfering with the adjacent parking spaces;
2. One planter island may be eliminated as proposed contingent upon a minimum of 347,754 landscaping points with 20 planter islands being provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary. In particular, due to the findings in the geotechnical report, the applicant shall closely monitor the landscaping and replace the

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- plant material as needed;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a Certificate of Occupancy, the turn lane along E. Mall Drive and the underground conduit and appurtenances for the signalization at the intersection of E. Mall Drive and Access #4 shall be constructed;
5. Prior to issuance of a Certificate of Occupancy, the screening fence along Interstate 90 shall be constructed;
6. The trash compactor shall be located in compliance with the proposed plan. In particular, the trash compactor shall be located with the loading dock area, behind the screening fence;
7. The dog runs and horse pens shall be continually maintained as per the maintenance schedule. In particular, the animal waste shall be removed from the site in a timely manner to preclude odor, flies or other safety and health issues;
8. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the original Planned Commercial Development. All of the roof top mechanical equipment shall be screened along all four sides;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the original Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
10. A minimum of 444 parking spaces shall be provided. In addition, nine of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
11. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
12. The structure shall be used as a retail store with outdoor dog runs and horse pens and with temporary outdoor sales and display or a Major Amendment to the Commercial Development Plan shall be obtained. The temporary outdoor sales shall be conducted in compliance with Chapter 17.50.230 of the Rapid City Municipal Code. In addition, no overnight camping or overnight recreational vehicle parking or overnight kenneling shall be allowed;
13. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Final Commercial Development Plan application or a subsequent Major Amendment; and,
14. 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. A time extension may be granted

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if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to the Commercial Development Plan to relocate a dog kennel and to eliminate one planter island. On September 6, 2008, the Planning Commission approved a Final Commercial Development Plan (File #07PD071) to construct an 80,028 square foot retail sporting and hunting goods store to be known as "Cabela's" on the property.

On June 4, 2007, the City Council approved a Preliminary Plat application (#07PL060) to create three lots, which included Phase One and Phase Two of the proposed "Rapid Center" development.

On June 18, 2007, the City Council approved a Fence Height Exception (#07FV003) to allow a six foot high galvanized chain link fence to be constructed along the south side of the property as it abuts Interstate 90.

On June 20, 2007, the City approved a Final Plat (#07PL078) creating Lots 1, 2 and 3 of Forefather Flats Subdivision, which included Phase One and Two of the proposed "Rapid Center" development.

On July 26, 2007, the Planning Commission approved an Initial Commercial Development Plan (#07PD046) to construct an 80,028 square foot Cabela's retail store on Lot 3 of the development.

The property is located east of Dyess Avenue and north of Interstate 90. The retail store is currently under construction on the property.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to the Final Commercial Development Plan and has noted the following considerations:

**Dog Kennel:** The original site plan identified the dog kennel within a planter island located in the middle of a row of parking spaces. This revised site plan shows the dog kennel being relocated to a planter island located at the northern end of the row of parking spaces. In addition, the applicant has indicated that the planter island located within the middle of the row of parking spaces will be eliminated. The design of the dog kennel continues to include heavy duty 1 ¾ inch tubing with a front door panel and slam latch. However, the placement of the dog kennel within the northern planter island appears to create a conflict with the adjacent parking spaces. In particular, it is not clear how the applicant will access the dog kennels without interfering with the adjacent parking spaces. As such, staff is recommending that prior to Planning Commission approval, a revised site plan be submitted for review and approval showing that the dog kennel(s) can be accessed without interfering with the adjacent parking spaces.

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Planter Island: As noted above, the applicant is proposing to eliminate one of the planter islands from the parking lot. The Landscape Regulations require that a minimum of 341,632 landscaping points with 11 planter islands be provided. The applicant's site plan identifies that 347,754 landscape points are being provided with 20 planter islands. As such, staff is recommending that the planter island be eliminated as proposed with the stipulation that a minimum of 347,754 landscaping points with 20 planter islands be provided as proposed. In addition, the landscaping must be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and must be planted with the specific size and plant material proposed. All landscaping must be continually maintained in a live vegetative state and replaced as necessary. In particular, due to the findings in the geotechnical report, the applicant must closely monitor the landscaping and replace the plant material as needed.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned and the sign has not been posted on the property. Staff will notify the Planning Commission at the May 22, 2008 Planning Commission meeting if these requirements have not been met.