

STAFF REPORT
March 27, 2014

No. 14PD004 - Final Planned Development Overlay to Construct a home furnishings retail store **ITEM 5**

GENERAL INFORMATION:

APPLICANT	FFFC, LLC
PROPERTY OWNER	FFRC, LLC
REQUEST	No. 14PD004 - Final Planned Development Overlay to Construct a home furnishings retail store
EXISTING LEGAL DESCRIPTION	Tract G of Rushmore Crossing Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.11 acres
LOCATION	851 Eglin Street
EXISTING ZONING	General Commercial District - (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District - (Planned Development)
South:	General Agricultural District - 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	February 21, 2014
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to construct a home furnishings retail store be approved with the following stipulations:

1. A minimum of 43,329 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
2. A minimum of 40 parking spaces shall be provided. 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;
3. A Building Permit shall be obtained prior to any structural construction and a Certificate

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- of Occupancy shall be obtained prior to occupancy;
4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
5. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
6. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. 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 all signs;
7. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
8. 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;
9. All applicable provisions of the International Fire Code shall be maintained; and,
10. This Final Planned Development shall allow for a home furnishings retail store. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development to construct a home furnishings retail store. In particular, the applicant is proposing to construct a three-level structure with basement storage, first-level retail and second-level offices. The applicant is not requesting any deviations from the requirements of the Zoning Ordinance.

On April 23, 2009, the Planning Commission approved a Major Amendment to a Planned Development (File #09PD013) to allow a financial institution. Subsequently, on July 9, 2009, the Planning Commission approved a Major Amendment to the Planned Development (File #09PD027) to revise the proposed parking lot and to add a basement to the proposed financial institution. The parking lot and foundation of the building were constructed; however, the building was never completed.

The property is located on the south corner of the intersection of Eglin Street and Luna Avenue. Currently, the paved parking lot and the foundation of the structure are located on the property.

STAFF REVIEW:

Staff has reviewed the request for a Final Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the

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following considerations:

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 approximately 48,193 square feet of land zoned General Commercial District with an approved Planned Development. The property has a triangular shape limiting the buildable area. The applicant is proposing to complete the structure that was previously started on the property.

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 three-level home furnishings retail store with offices. The proposed development is in compliance with the minimum requirements of the Zoning Ordinance.

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 deviations from the Zoning Ordinance.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

This Final Planned Development will allow for a home furnishings retail store. All permitted uses in the General Commercial District that do not require additional parking will require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District will require a Major Amendment to the Planned Development. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

5. *Any adverse impacts will be reasonably mitigated:*

The applicant should be aware that the site and foundation have been left exposed to the elements for a lengthy time. The applicant should carefully inspect and analyze the installed site and building improvements to verify that they have not been damaged, compromised or otherwise adversely affected by the elements, freezing or vandalism. In addition, the water and sewer services should be tested and inspected to confirm that they did not get damaged from freezing or vandalism.

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:*

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The applicant is not requesting any deviations from the Zoning Ordinance.

Fire Department: All applicable provisions of the International Fire Code must be maintained.

Landscaping: A minimum of 43,329 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 43,520 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: The home furnishings retail store and offices require that a minimum of 40 parking spaces be provided. In addition, two of the parking spaces must be handicap accessible and one of the handicap accessible spaces must be "van accessible". The applicant has submitted a parking plan that identifies 42 parking spaces with two 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. All provisions of the Off-Street Parking Ordinance must be continually met.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Signage and Lighting: The applicant has identified the location of proposed wall signage on the building. The 258 square feet of signage meets the requirements of the Sign Code. The applicant should be aware that the property is located within an approved Rushmore Crossing joint identification complex and as such, ground signs are not allowed on this property.

The applicant has submitted a building elevation plan that identifies the location of proposed outdoor lighting located on the proposed building. All outdoor lighting must 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 Requirements: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the March 27, 2014 Planning Commission meeting if this requirement has been met.