

STAFF REPORT

February 6, 2003

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**No. 02PD025 - Planned Commercial Development - Initial and Final Development Plan**      **ITEM 16**

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GENERAL INFORMATION:

PETITIONER	CSU Properties, LLC
REQUEST	<b>No. 02PD025 - Planned Commercial Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.84 acres
LOCATION	The southeast corner of the intersection of 5th Street and North Street
EXISTING ZONING	Office Commercial District w/PDD
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Civic Center District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/10/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

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

**Engineering Division Recommendations:**

- 1. Prior to issuance of a Building Permit, the applicant shall provide construction plans for the installation of required barriers or guardrails for any pedestrian walkways adjacent to walls and grade changes of more than 30 inches;**
- 2. Prior to issuance of a Certificate of Occupancy, the applicant shall complete and file**

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any additional utility easements necessary for constructing, accessing and maintaining public infrastructure;

**Fire Department Recommendations:**

3. All Uniform Fire Codes must be continually met;
4. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height and displayed on a contrasting background;
5. All access, turnarounds and parking areas shall comply with all requirements of the Uniform Fire Code and the Rapid City Street Design Criteria Manual;
6. Prior to issuance of a Building Permit for the proposed parking area, the Fire Department shall have reviewed and approved plans to ensure that adequate emergency vehicle access and circulation is being provided;
7. Prior to issuance of a Building Permit, the applicant shall submit building plans showing the provision of a fire sprinkler system throughout the proposed structure;

**Building Inspection Division Recommendations:**

8. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;

**Urban Planning Division Recommendations:**

9. All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
10. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
11. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
12. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
13. All provisions of the Sign Code shall be continually met;
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;
15. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not to reflect directly onto any public rights-of-way creating a traffic hazard;
16. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development;
17. Prior to City Council approval of the Initial and Final Development Plan, the applicant shall provide written documentation from the affected utility companies

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- identifying that they have reviewed and approved the miscellaneous document dedicating the utility easement(s) necessary for the relocation of existing utilities and installation of future utilities; and,
18. **Prior to City Council approval of the Initial and Final Development Plan, the applicant shall file a miscellaneous document with the Pennington County Register of Deeds dedicating utility easement(s) necessary for the relocation of existing utilities and installation of future utilities. In addition, the miscellaneous document shall include temporary utility easement(s) for the existing utilities until the necessary utility relocations have been completed. The applicant shall provide a copy of the filed document to the Rapid City Planning Department.**

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.) This item was continued from the January 9, 2003 Planning Commission meeting.** This Initial and Final Development Plan request has been submitted to construct a 12,276 square foot office building on the subject property. The property is located southeast of the intersection of Fifth Street and North Street and is currently void of structural development.

A Layout Plat was approved by the City Council for the property on June 4, 2001 with eight stipulations. On July 16, 2001 the City Council approved a Planned Development Designation for the subject property with the stipulation that no sign permits be allowed unless approved as part of a Final Development Plan. The applicant has submitted a Preliminary and Final Plat (see File # 02PL051) in conjunction with the Initial and Final Development Plan.

STAFF REVIEW: Staff has reviewed the Initial and Final Development Plan and noted the following considerations:

Landscaping: The site plan submitted with this request identified the addition of sufficient landscaping material to comply with the point requirement of the Landscaping Ordinance. However, the Landscaping Ordinance also requires that fifty percent of the required landscaping must be within twenty feet of the parking area, that landscaping islands must be provided at a ratio of one island for every fifty parking spaces and that landscaping must be provided along the north, south and east sides of the property to provide a buffer to the adjacent residential properties. Staff is requesting that the applicant submit a revised landscaping plan that complies with all the requirements of the Landscaping Ordinance. A revised site plan was submitted on July 12, 2002. Staff finds that the plan complies with the requirements of the Landscaping Ordinance with the exception of the provision of a landscaping island within the parking area. On August 14, 2002 staff met with the applicant and discussed possible modifications to the site plan to accommodate the required landscaping islands. On November 5, 2002 the applicant submitted a revised landscaping plan that complies with the requirements of the Landscaping Ordinance including the required landscaping islands.

Site Plan: The site plan submitted with this request does not reflect the proposed boundaries of Lot 1 of Professional Plaza Subdivision. To ensure that the proposed

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development of the property conforms to all the requirements of the Rapid City Municipal Code staff is requesting that the applicant submit a revised site plan reflecting the proposed property boundaries. The revised site plan submitted on July 12, 2002 is reflective of the proposed property boundaries.

On November 14, 2002 the applicant provided documentation showing that the when vacated the alley along the south side of the subject property and the Fourth Street right-of-way were retained as a non-buildable utility easement. The applicant's site plan shows that a retaining wall will be located within the vacated Fourth Street right-of-way. The applicant has the option of either revising the site plan to eliminate any structures within the non-buildable utility easement or vacate the non-buildable easement. The applicant has mailed the required notification letters to all affected utility companies requesting that the non-buildable utility easement be vacated. As of December 11, 2002 staff has received two responses from utility companies objecting to the applicant's request to vacate the non-buildable utility easement. The applicant has indicated that he is investigating the validity of the Exhibit designating the non-buildable utility easement. On December 16, 2002 the applicant submitted an opinion letter from the First American Title Company noting that the Resolution of Vacation makes no reference of incorporation of Exhibit "A" into the Resolution or of the "note" contained on the Exhibit which provides that "all vacated portions are to remain as non-buildable utility easements." The letter also states "...it was our Examiner and Company's position in issuing the commitment to insure the property in question that the vacated portions are not subject to the Note in question which is found on the document denoted as Exhibit "A"." However, both Montana-Dakota Utilities and Black Hills Power and Light have indicated that utilities currently exist within the non-buildable utility easement. The City of Rapid City Attorney has indicated that the Exhibit and note filed with the Resolution is valid and that the applicant will need to either vacate the non-buildable utility easement or revise the site plan to eliminate any structures within the non-buildable utility easement. On January 14, 2003, the applicant indicated that he is working with the affected utility companies to relocate the utilities located within the existing utility easement and vacate the existing easement. **As of January 27, 2003 all of the affected utility companies have responded to the applicant's request to vacate the non-buildable utility easement; however, Black Hills Power, Montana-Dakota Utilities and Midcontinent Communications have granted approval with the stipulation that the applicant dedicate an alternate utility easement for the relocation of existing utilities and for the installation of future utilities. In addition, temporary easements must be maintained until the existing utilities are relocated. Staff is recommending that prior to City Council approval of the Final Plat that the applicant obtain written documentation from each of the affected utility companies identifying that the proposed easement document has been reviewed and approved. Staff is also recommending that prior to Final Plat approval by the City Council the applicant file the stipulated utility easement, including temporary easements for existing utilities until they are relocated, with the Pennington County Register of Deeds and provide a copy of the filed easement document to the Rapid City Planning Department.**

Parking Lot: The site plan submitted with this request included the location of 65 parking

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stalls on the property, one of them being a handicap accessible parking stall. The Off-Street Parking Ordinance requires that when 65 parking stalls are provided, three of the stalls be reserved for exclusive use by persons with disabilities. Staff is recommending that the applicant revise the site plan to show the location of three handicap-accessible parking stalls and that one of those stalls be van-accessible. The revised site plan submitted on July 12, 2002 shows the location of three handicap-accessible parking stalls.

Fire Department: The Fire Department has noted concerns with accessibility to all areas of the building and is recommending that the building be equipped with an automatic fire sprinkler system.

Additional Required Information: Section 17.50.060 of the Rapid City Municipal Code requires that the location, height, size and setback dimensions of any and all proposed signs be submitted for review and approval in conjunction with an Initial and Final Development Plan. The code also requires that information regarding the location and specifications of proposed outdoor lighting must be submitted for review. Because of the close proximity of the office use to residential properties, the location and specifications of the air handling equipment must also be submitted for review. The revised plans show that a ground mounted sign will be located in the northwest corner of the subject property. The applicant has indicated that the sign will have two faces; each face will be five feet six inches by three feet and will be mounted on posts one foot above the ground. The revised site plan did include the location of the air handling units; however, specifications regarding the noise generated by the six proposed units have not been submitted. The revised site plan did not include the location and specifications of any parking lot lighting. On November 21, 2002 the applicant submitted a site plan showing the location of the proposed parking lot lighting. On November 26, 2002, the specifications and analysis for the air handling units was submitted.

The applicant has submitted elevation views of the proposed building including the exterior finish materials. The plans show that the exterior walls will be finished with a combination of eight inch wood lap siding and an exterior insulation and finish system and asphalt shingles will be utilized on the roof.

The Rapid City Planning Commission's action on Conditional Use Permit and Planned Commercial Development requests are final unless any party appeals that decision to the Rapid City Council. Therefore, staff is recommending that this item be continued to allow the applicant time to submit the additional required information for review and approval by staff prior to Planning Commission consideration of this request