

STAFF REPORT
March 9, 2006

No. 06PD001 - Planned Unit Development - Initial Development Plan ITEM 26

GENERAL INFORMATION:

PETITIONER	Designworks, Inc. for Founder's Park, LLC
REQUEST	No. 06PD001 - Planned Unit Development - Initial Development Plan
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	1350 West Chicago
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/12/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Building Permit, a Final Plat shall be reviewed and approved;**
- 3. Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the federally designated 100 year floodplain located in the southern portion of the property and a 404 Permit shall be obtained as needed;**
- 4. Upon submittal of a Final Planned Unit Development application, geotechnical information including pavement design shall be submitted for review and approval;**
- 5. Upon submittal of a Final Planned Unit Development application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic**

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- water and fire flows are being provided;
6. Upon submittal of a Final Planned Unit Development application, a grading plan shall be submitted for review and approval;
 7. Upon submittal of a Final Planned Unit Development application, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall be designed in compliance with the Morningside Drainage Basin Plan. In addition, drainage easements shall be provided as needed;
 8. Upon submittal of a Final Planned Unit Development application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material and the irrigation system;
 9. Upon submittal of a Final Planned Unit Development application, a sign and lighting package shall be submitted for review and approval;
 10. Upon submittal of a Final Planned Unit Development application for Lot 1, a revised parking plan for Lot 1 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 72 parking spaces with three of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The parking plan shall also be revised eliminating any portion of the parking area from the 60 foot wide road easement or the easement shall be vacated. Prior to vacating the access easement, an alternate street connection shall be provided to the property located west of the subject property. In addition, the alternate street connection shall be reviewed and approved by the adjacent property owner. Any parking within a drive-under parking garage shall be designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards;
 11. Upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 2 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 280 parking spaces with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. Any parking within a drive-under parking garage shall be designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards;
 12. Upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 3 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 240 parking spaces with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible;
 13. Vehicles within the parking spaces on Lot 3 abutting the proposed 20 foot wide private access easement shall be allowed to back into the easement with the provision that the stalls be constructed at a 60 degree angle to allow a 20 foot wide access aisle and that the access aisle be signed to indicate one way traffic;
 14. Upon submittal of a Final Planned Unit Development application, structural elevations of the proposed condominium building on Lot 1 shall be submitted for review and approval;
 15. Upon submittal of a Final Planned Unit Development application, an elevation of any proposed fencing and/or retaining walls shall be submitted for review and

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- approval. In addition, any retaining wall above four feet in height shall be designed by a Professional Engineer;
16. Upon submittal of a Final Planned Unit Development application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 17. Upon submittal of a Final Planned Unit Development application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 18. The 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 particular, on-site fire hydrant shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 19. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
 20. The rear yard setback for the three commercial buildings on proposed Lot 2 is hereby reduced from 25 feet to 10 feet with the stipulation that West Street be vacated prior to or in conjunction with approval of the Final Planned Unit Development application. In addition, the applicant shall enter into an agreement with the City to keep West Street open until the commercial street located through the subject property is dedicated as right-of-way and constructed;
 21. The rear yard setback along the south lot line for the two commercial buildings on proposed Lot 3 is hereby reduced from 25 feet to 10 feet for two proposed commercial buildings. In addition, the side yard setback along the west lot line is hereby reduced from 25 feet to 10 feet for one proposed commercial building. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
 22. Upon submittal of a Final Planned Unit development application, the terms of the proposed private access easement shall be submitted for review and approval. The access easement shall be gated and secured with a Knox box if the terms of the easement so warrant the restricted access;
 23. West Street shall be vacated prior to or in conjunction with approval of the Final Planned Unit Development application. In addition, the applicant shall enter into an agreement with the City coordinating the removal and construction of access street(s) as needed;
 24. A maximum building height of 75 feet and six stories in lieu of 35 feet and three stories as required per the Office Commercial District shall be allowed for the condominium building to be constructed on Lot 1 with the stipulation that additional landscaping be provided along the perimeter of the proposed lot. The landscaping plans shall be submitted for review and approval upon submittal of a Final Planned Unit Development application; and,
 25. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development;
 26. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Unit Development application or a subsequent Major Amendment.

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27. **Approval of this Initial Planned Unit Development allows the proposed construction of a parking area and an eight foot wide pedestrian walkway to be located on City park property located directly east and south of the subject property. Prior to the start of construction, the Parks and Recreational Department shall review and approve the location and design of the proposed improvements. In addition, the City Council shall also review and approve the use of the City property as identified.**

GENERAL COMMENTS:

(Update, February 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 23, 2006 Planning Commission meeting at the applicants' request. In particular, the applicants requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property and to adjacent properties. On February 28, 2006, staff met with the applicants and their consultant to discuss the access issues. The applicants have proposed that pedestrian access be provided to the City park land along the south property line of the subject property. In addition, a private easement to serve as access for service vehicles and adjacent property owners will be provided along the western portion of the property.

(Update, February 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 9, 2006 Planning Commission meeting at the applicant's request. In particular, the applicant requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property to adjacent properties. To date, this issue has not been resolved. As such, staff is recommending that this item be continued to the March 9, 2006 Planning Commission meeting. Please note that no other part of this Staff Report has been revised.

The applicant has submitted an Initial Planned Unit Development to allow a mixed use development including family dwelling units and office uses to be constructed on the subject property. In particular, the applicant has indicated that a six story residential condominium building will be constructed on proposed Lot 1. In addition, the applicant has indicated that three office buildings and five office buildings, respectively, will be located on proposed Lot 2 and Lot 3. The applicant has also submitted a Layout Plat to subdivide the subject property into three lots to be known as The Village at Founders Park. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the proposed commercial street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an existing 60 foot wide road easement; and, to waive the requirement to install curb, gutter sidewalk, street light conduit, water, sewer and to reduce the pavement width from 24 feet to 20 feet and to reduce the right-of-way width from 49 feet to 20 feet for a proposed 20 foot wide pedestrian and service easement. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to eliminate West Street as a collector street. In addition, the applicant has submitted a Vacation of Right-of-Way request to vacate West Street as it abuts the subject property. (See companion items #06SV001, 06CA001, 06VR001 and 06PL001.)

The property is located at the western terminus of W. Chicago Street and is currently void of

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any structural development.

STAFF REVIEW:

Staff has reviewed the Initial Planned Unit Development and has noted the following considerations:

Design Features: The applicant has submitted elevations of the proposed office buildings. The elevations identify that the three office buildings on proposed Lot 2 will be two story structures with drive under garages. In addition, the elevations identify that the five office buildings to be located on proposed Lot 3 will be two story structures with no drive under garages. To date, elevations of the proposed six story, or 75 foot high residential condominium building on proposed Lot 1 have not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, structural elevations of the proposed condominium building be submitted for review and approval

The applicant has also submitted a list of building materials and design standards identifying that the buildings will be constructed with a combination of stone, brick, and wood on exterior walls with heavy timber accents. The roofs will be pitched, earth tone in color with multiple dormers and designed with oversized bay elements. Each residential unit will have a deck or patio space. As such, staff is recommending that the proposed structure(s) conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development.

Landscape Plan: To date, a landscaping plan has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, a complete landscaping plan be submitted for review and approval identifying specific plant material and the irrigation system.

Parking: The proposed use on Lot 1 requires that a minimum of 72 parking spaces be provided. In addition, three of the parking spaces must be handicap accessible, with one of the spaces being "Van" accessible. The site plan identifies 48 parking spaces along the exterior of the proposed building. In addition, a note states that an additional 24 parking spaces will be provided within a drive under garage. To date, a layout of the drive under garage has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 1 be submitted for review and approval as identified. In particular, the parking plan must demonstrate that any parking within a drive under parking garage is designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards.

Staff has also noted that a portion of the parking area is located within a 60 foot wide road easement located along the north lot line of Lot 1. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, the parking plan be revised eliminating any portion of the parking area from the easement or the easement be vacated. **Prior to vacating the access easement, an alternate street connection must be provided to the property located west of the subject property. In addition, the alternate street connection must be reviewed and approved by the adjacent property**

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owner.

The proposed use on Lot 2 requires that a minimum of 280 parking spaces be provided. In addition, seven of the parking spaces must be handicap accessible, with one of the spaces being "Van" accessible. The site plan identifies 165 parking spaces along the exterior of the proposed building. In addition, a note states that an additional 48 parking spaces will be provided within a drive under garage. To date, a layout of the drive under garage has not been submitted for review and approval. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 2 be submitted for review and approval as identified. In particular, the parking plan must demonstrate that any parking within a drive under parking garage is designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards.

The proposed use on Lot 3 requires that a minimum of 240 parking spaces be provided. In addition, seven of the parking spaces must be handicap accessible, with one of the spaces being "Van" accessible. The site plan identifies 204 parking spaces along the exterior of the proposed building. As such, staff is recommending that upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 3 be submitted for review and approval as identified.

The associated Layout Plat has been revised to show a private access easement extending west from the commercial street to the west lot line of the subject property. In particular, the Layout Plat identifies a 20 foot wide easement extending along an access aisle within a parking area located on Lot 3. The site plan submitted with this Initial Planned Unit Development identifies parking spaces abutting the access aisle, resulting in vehicles backing into the access aisle. Please note that a minimum 20 foot wide access aisle is needed when parking stalls are constructed at a 60 degree angle and traffic is limited to one way as shown on the applicant's site plan. The Layout Plat also shows the easement transitioning to a 24 foot wide width beyond the parking area to the west lot line of the subject property. The applicant has indicated that a minimum 20 foot wide paved surface will be constructed within the easement.

The applicant has also indicated that the easement will provide limited access to adjacent properties. In particular, service vehicles will use the easement to access a portion of the City park land and communication tower(s) located west of the subject property. Due to the limited use of the easement, staff is recommending that vehicles within the parking spaces on Lot 3 abutting the proposed 20 foot wide private access easement be allowed to back into the easement with the provision that the stalls be constructed at a 60 degree angle to allow a 20 foot wide access aisle and that the access aisle be signed to indicate one way traffic. The applicant has indicated that the easement will be recorded as a miscellaneous document at the Register of Deed's Office in lieu of dedicating the easement as a part of the plat document in order to secure the terms of use for the easement. Staff is recommending that upon submittal of a Final Planned Unit development application, the terms of the proposed private access easement be submitted for review and approval and subsequently recorded. The access easement may be gated and secured with a Knox box if the terms of the easement so warrant the restricted access.

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Dumpsters: Upon submittal of a Final Planned Unit Development application, the location and size of the dumpsters must be submitted for review and approval. In addition, the dumpsters must be screened.

Utilities: Upon submittal of a Final Planned Unit Development application, a water and sewer plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided. The applicant must also provide a developer's agreement for the construction of the proposed waterline.

Grading/Geotechnical/Drainage: Upon submittal of a Final Planned Residential Development, a grading plan and geotechnical information must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. In particular, the drainage plan must be designed in compliance with the Morningside Drainage Basin Plan addressing the potential increase in impervious area created by the proposed use. In addition, drainage easements shall be provided as needed.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, one on-site fire hydrant must be provided for each structure. The Fire Department has also indicated that prior to issuance of a building permit, all weather access roads must be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. Staff is recommending that all International Fire Codes be continually met.

Final Plat: Staff is recommending that prior to issuance of a building permit, a Final Plat be submitted for approval to insure that all subdivision improvements have been completed or surety posted for the improvements. In addition, street and easement vacation(s), Variances to the Subdivision Regulations and Comprehensive Plan Amendments to the Major Street Plan must be addressed prior to approval of a Final Plat.

The applicant has submitted a revised Layout Plat identifying the previously proposed 20 foot wide private pedestrian and service easement as a 15 foot wide pedestrian access easement. As a part of platting the subject property, construction plans for the proposed 15 foot wide pedestrian access easement to be located on the subject property must be submitted for review and approval showing the construction of an eight foot wide sidewalk. However, the applicant has indicated that an approximate 15 stall parking area and a portion of the proposed eight foot wide sidewalk will be constructed on City park land. The Planning Commission may review and approve the use of the public land as a part of this Initial Planned Unit Development which eliminates the need to obtain a SDCL 11-6-19 Review in the future for the proposed use of public property. However, the Parks and Recreational Department must also review and approve the parking area and that portion of the sidewalk proposed to be located through the adjacent City park. The City Council must also review and approve the use of the City property. Staff is recommending that approval of this Initial Planned Unit Development allows the proposed construction of a parking area and an eight foot wide pedestrian walkway to be

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located on City park property located directly east and south of the subject property. Prior to the start of construction, the Parks and Recreational Department must review and approve the location and design of the proposed improvements. In addition, the City Council must also review and approve the use of the City property as identified.

Setbacks: The applicant has requested a reduction in the setback for the three office buildings on proposed Lot 2 from 25 feet to ten feet along West Street. As previously indicated, it is anticipated that West Street right-of-way will be vacated. In addition, the adjacent property is owned by the City and is the location of a golf course. With the vacation of West Street and the open area provided by the golf course, the reduced setback will have a minimal impact on the adjacent property. As such, staff is recommending that the setback for the three office buildings be reduced from 25 feet to 10 feet with the stipulation that West Street be vacated prior to or in conjunction with approval of the Final Planned Unit Development application. In addition, the applicant must enter into an agreement with the City coordinating the removal and construction of access street(s) as needed.

The site plan identifies proposed Building 3D on Lot 3 to be located approximately four feet from the proposed located of the 20 foot wide pedestrian and service easement. Staff is recommending that upon submittal of a Final Planned Unit Development application, the site plan be revised to provide a minimum 25 foot setback as required to insure adequate separation between the building and the access street. **The applicant has requested a reduction in the rear yard setback for two office buildings on proposed Lot 3 from 25 feet to ten feet along the south lot line and a reduction in the side yard setback for one of the office buildings also located on proposed Lot 3 from 25 feet to ten feet. Staff has noted that the adjacent properties are owned by the City and being used as park land. As such, reducing the setbacks as requested will have a minimal impact. Staff is recommending that the rear yard setback and the side yard setback be reduced as requested. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District must be met.**

Height: The Office Commercial District allows a maximum height of three stories or 35 feet. The applicant is requesting an exception to allow a six story residential condominium building with a maximum height of 75 feet. The applicant has also submitted a west-east site section showing the impact of the proposed building in relation to the steep hill located directly north of the proposed building site. Staff has noted that the 75 foot high building will have a minimal effect on the adjacent properties due to the existing topography within the area. In addition, the adjacent City golf course provides an open space further minimizing the effects of the proposed buildings. As such, staff is recommending that a six story building with a maximum height of 75 feet be allowed for the proposed residential condominium building. In addition, staff is recommending that additional landscaping be provided along the perimeter of proposed Lot 1. The landscaping plan must be submitted for review and approval upon submittal of a Final Development Plan.

Legal Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. As of this writing, staff has received three calls of inquiry regarding this proposal.