

# STAFF REPORT

May 4, 2006

---

## No. 06PD023 - Planned Commercial Development - Initial and Final Development Plan

---

ITEM 36

### GENERAL INFORMATION:

PETITIONER

Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc.

REQUEST

**No. 06PD023 - Planned Commercial Development - Initial and Final Development Plan**

EXISTING

LEGAL DESCRIPTION

A parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way,

STAFF REPORT  
May 4, 2006

---

**No. 06PD023 - Planned Commercial Development - Initial and Final  
Development Plan**

---

**ITEM 36**

	N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less.
PARCEL ACREAGE	Approximately 0.70 acres
LOCATION	910 Fifth Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	High Density Residential District - Office Commercial District
South:	High Density Residential District
East:	High Density Residential District
West:	Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

**RECOMMENDATION:**

Staff recommends that the Planned Commercial Development - Initial and Final Development Plan be approved in conjunction with associated Rezoning Request and the Comprehensive Plan Amendment to the Future Land Use Plan and with the following stipulations:

1. The structure shall be used as an assembly hall and/or office(s). Any other use shall require a Major Amendment to the Planned Commercial Development;
2. The landscape points are hereby reduced from 16,953 points to 6,500 points. In addition, an Exception is hereby granted to allow 100% in lieu of a maximum of 25 % of the landscaping points to be located in the adjacent right-of-way. Any removal of the building in whole or part shall require that additional landscaping be provided as per the City's adopted Landscape Regulations;
3. The parking requirement is hereby reduced from 303 parking spaces to 39 parking spaces. Two of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". Any removal of the building in whole or part or any change in use shall require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance;
4. The front yard setback is hereby reduced from 25 feet to 12.4 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
5. The side yard setback is hereby reduced from 25 feet to .8 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided;

STAFF REPORT  
May 4, 2006

---

**No. 06PD023 - Planned Commercial Development - Initial and Final Development Plan**

**ITEM 36**

6. The rear yard setback is hereby reduced from 25 feet to 7.7 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot rear yard setback be provided;
7. A maximum lot coverage of 44% in lieu of 35% shall be allowed. Any removal of the building in whole or part shall require that a maximum 35% lot coverage be maintained;
8. An Exception is hereby granted to allow access from 5<sup>th</sup> Street, the higher order street. In addition, an Exception is hereby granted to reduce the separation between the driveway approach on 5<sup>th</sup> Street and the intersection of 5<sup>th</sup> Street and Columbus Street from 230 feet to 36 feet. If and/or when the building is removed and the property redevelops, the access along 5<sup>th</sup> Street shall be removed;
9. An Exception is hereby granted to allow the retaining wall and parking to remain in the sight triangle located at the corner of 5<sup>th</sup> Street and Columbus Street. If and/or when the building is removed and the property redevelops, no encroachments into the sight triangle shall be allowed;
10. All signage shall continually conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;
11. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
12. Prior to Planning Commission approval, the applicant shall enter into an agreement to hold harmless the City for the existing sewer main located under the existing building; and,
13. The structure shall continue to conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Commercial Development.

**GENERAL COMMENTS:**

The applicant has submitted an Initial and Final Planned Commercial Development to allow an assembly hall with offices on the subject property. In addition, the applicant has submitted a rezoning request to change the zoning designation of the above legally described property from High Density Residential District to Office Commercial District. (See companion item #06PD023.)

The property is located in the southeast corner of the intersection of 5<sup>th</sup> Street and Columbus Street. Currently, the Knights of Columbus Recreational Center is located on the property and is used as an assembly hall and offices. The High Density Residential District does not allow an assembly hall use. In addition, office use is only allowed within the High Density Residential District with the review and approval of a Conditional Use Permit. To date, a Conditional Use Permit has not been obtained for the office use. As such the current use of the building appears to be an illegal use.

On February 6, 2006, the City Council approved a Layout Plat to move the common lot line between this property and an adjacent property also owned by the applicant. A stipulation of the Layout Plat requires that prior to submittal of a Preliminary Plat, the land use issues be addressed. As such, the applicant has submitted the Initial and Final Planned

## STAFF REPORT

May 4, 2006

---

### No. 06PD023 - Planned Commercial Development - Initial and Final Development Plan

ITEM 36

---

Commercial Development request and the Rezoning request to bring the property into compliance with the Zoning Ordinance.

#### STAFF REVIEW:

Staff has reviewed the Initial and Final Planned Commercial Development request and has noted the following considerations:

Commercial Structure: The applicant has submitted building elevations of the commercial structure identifying that the existing building is a one story structure with a flat roof. In addition, a parapet is constructed along the front of the building as it abuts 5<sup>th</sup> Street. The building has been constructed with red brick, wood and glass. The architectural design of the building appears to be complimentary to the neighborhood and the existing surrounding land uses. As such, staff is recommending that the commercial structure continue to conform architecturally to the plans, elevations and color palette submitted as a part of this Planned Commercial Development.

Setbacks/Lot Coverage: The applicant is requesting to reduce the setbacks for the existing building as follows:

- To reduce the front yard setback from 25 feet to 12.4 feet
- To reduce the side yard setback from 25 feet to .8 feet
- To reduce the rear yard setback from 25 feet to 7.7 feet

The applicant is also requesting to increase the maximum lot coverage from 35% to 44% for the existing building. Staff has noted that the building has been located on the property approximately 40 years. The adjacent streets serve as a buffer between the subject property and adjacent properties on three sides of the lot. As such, staff is recommending that the Variances and lot coverage be allowed as requested for the existing building. However, any removal of the building in whole or part will require that all setback(s) and lot coverage requirements be met.

Parking: The use(s) requires a minimum of 303 parking spaces. In addition, eight of the spaces must be handicap accessible with one of the handicap accessible spaces being "van" accessible. The applicant's site plan identifies that 39 parking spaces are being provided with five of the spaces being handicap accessible. The applicant has requested a reduction in the parking requirement to allow the 39 spaces for the existing use(s) in order to bring the property into compliance with the Zoning Ordinance. Typically, staff would not support such a large parking reduction. The use has existed on the site for approximately 40 years with limited impact on the neighboring properties. It does not appear that additional parking can be provided within close proximity to the site. As such, staff is recommending that the parking requirement be reduced from 303 parking spaces to 39 parking spaces and that two of the parking spaces be handicap accessible with one of the handicap spaces being "van accessible". However, any removal of the building in whole or part or any change in use will require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance.

Landscaping: A minimum of 16,953 landscaping points are required. The applicant's site plan

## STAFF REPORT

April 6, 2006

---

### No. 06PD023 - Planned Commercial Development - Initial and Final Development Plan

ITEM 36

---

identifies that 6,500 points are being provided. In particular, the landscaping plan identifies a row of large trees within the right-of-way along Columbus Street. The applicant has requested an Exception to reduce the landscape points from 16,953 points to 6,500 points. In addition, the applicant has requested an Exception to allow 100% of the landscaping in the right-of-way in lieu of a maximum of 25%. There does not appear to be any open space on the property for additional landscaping. As such, staff is recommending that the landscape points be reduced as requested and that an Exception be granted to allow all of the landscaping to be located in the adjacent right-of-way. However, any removal of the building in whole or part will require that additional landscaping be provided as per the City's adopted Landscape Regulations.

Fire: The Fire Department has indicated that all International Fire Codes must be met as a part of any reuse and/or redevelopment of the site. In particular, any new use will require that the building be sprinklered. Staff is recommending that all International Fire Codes be continually met.

Approach Location: The site plan identifies an existing approach on 5<sup>th</sup> Street located approximately 36 feet from the intersection of 5th Street and Columbus Street. A minimum 230 foot separation must be provided between the approach and the intersection. However, the location of the building along the southern portion of the property precludes relocating the approach to meet the requirement. In addition, the applicant has submitted an Exception request to allow access along 5<sup>th</sup> Street, the higher order street. Staff has noted that the existing approach is located as far south as possible to provide the maximum separation between the approach and the intersection. In addition, the intersection is signalized which assists in traffic movements through the intersection. As such, staff is recommending that the Exceptions to reduce the separation and to allow access from the higher order street be granted as requested with the stipulation that if and/or when the building is removed and the property redevelops, the access along 5<sup>th</sup> Street be removed.

Sight Triangle: Currently, a retaining wall and a portion of the parking lot are located in the sight triangle at the intersection of 5<sup>th</sup> Street and Columbus Street. The applicant has requested an Exception to allow the existing encroachment. Staff has noted that the intersection is signalized controlling traffic movements through the intersection. As such, staff is recommending that the Exception be granted as requested with the stipulation that if and/or when the building is removed and the property redevelops, no encroachments into the sight triangle will be allowed.

Sewer: A sewer main currently exists under the building located on the subject property. During the review of the associated Layout Plat, it was noted that the applicant must enter into an agreement to hold harmless the City for the existing sewer main or the applicant must remove that portion of the building located over the sewer main or the sewer main must be abandoned. The applicant indicated that they would enter into the agreement as identified. To date, the agreement has not been submitted for review and approval and/or signed. As such, staff is recommending that prior to Planning Commission approval, the applicant enter into an agreement to hold harmless the City for the existing sewer main.

STAFF REPORT  
April 6, 2006

---

**No. 06PD023 - Planned Commercial Development - Initial and Final  
Development Plan**

---

**ITEM 36**

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the May 4, 2006 Planning Commission meeting if these requirements have not been met.