

STAFF REPORT
February 21, 2008

No. 08PD003 - Major Amendment to a Planned Unit Development

ITEM 44

GENERAL INFORMATION:

APPLICANT	Founder's Park, LLC
AGENT	Mike Tennyson for Sun-Rise Construction
PROPERTY OWNER	Founders Park LLC
REQUEST	No. 08PD003 - Major Amendment to a Planned Unit Development
EXISTING LEGAL DESCRIPTION	The unplatted balance of the W1/2 NW1/4 SE1/4, Lots 1, 7 and 8 of Founders Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	Adjacent to the west and east sides of Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Unit Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Unit Development)
South:	Office Commercial District (Planned Unit Development)
East:	Flood Hazard District
West:	Office Commercial District (Planned Unit Development)
PUBLIC UTILITIES	Public
DATE OF APPLICATION	1/24/2008
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

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

1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development Plan. 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 a 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;

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2. An Exception to the Parking Regulations to reduce the parking requirement from 264 spaces to 228 is hereby denied. In addition, prior to Planning Commission approval, the site plan shall be revised to provide a minimum of 264 parking spaces with seven of the spaces being handicap accessible. One of the handicap spaces shall be "Van" accessible. The applicant also has the option of reducing the size of the proposed structures so that the minimum parking requirement as per the City's adopted Parking Regulations is being provided;
3. Prior to Planning Commission approval, the construction plans shall be revised eliminating the retaining wall from the right-of-way or an Exception shall be obtained to allow the encroachment;
4. Prior to Planning Commission approval, 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;
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 Building Permit, calculations for the proposed 18 inch storm sewer, including the velocity at the outlet, shall be submitted for review and approval. Additional erosion control measures shall also be provided if needed based on the velocity at the inlet;
5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
6. Prior to issuance of a building permit, a Final Plat shall be recorded securing access to and through the proposed lots;
7. Prior to issuance of a building permit, a joint parking agreement shall be submitted for review and approval and, subsequently, recorded to allow the parking lot to be located on Lots 6, 7, 8 and 9 of the Village at Founders Park;
8. All development located within the federally designated 100 year floodplain shall be in compliance with the approved Floodplain Development Permit. In addition, prior to the start of construction, a 404 Permit shall be obtained for any work located within the federally designated 100 year floodplain if and as needed;
9. An Exception to the Landscaping Ordinance is hereby granted waiving the requirement to provide four planter islands with the stipulation that one large planter boulevard measuring 480 feet in length by 25 feet in width be provided as proposed;
10. A minimum of 148,296 landscaping points shall be provided. In addition, the landscaping shall be designed within the planter boulevard 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;
11. All outdoor lighting shall 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;
12. 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. The proposed structure shall be fully fire sprinkled and fire

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- alarmed as per the 2003 International Fire Code;
13. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
 14. The rear yard setback for the four commercial buildings on proposed Lots 6, 7, 8 and 9 is hereby reduced from 25 feet to 10 feet. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
 15. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development;
 16. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Unit Development application or a subsequent Major Amendment;
 17. 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; and,
 18. A 25,754 square foot office commercial structure shall be allowed on proposed Lot 7 as proposed. In addition, a Major Amendment to the Planned Unit Development shall be obtained prior to issuance of a building permit for any future development on Lots 6, 8 and 9.

GENERAL COMMENTS:

The property is located west of Founder's Park Drive and north of West Omaha Street. A Planned Commercial Development-Initial Development Plan was approved (#06PD001) on March 9, 2006. The property is currently zoned Office Commercial District.

On March 9, 2006, the Planning Commission approved an Initial Planned Residential Development to allow a mix of multi-family units and office uses to be constructed on 20 acres, which included the subject property. On March 20, 2006, the City Council approved a Layout Plat (#06PL001) to subdivide the 20 acres into three lots. In addition, the City Council approved a Comprehensive Plan Amendment (#06CA001) to the Major Street Plan to eliminate West Street as a collector street. The City Council also approved a Variance to the Subdivision Regulations (#06SV001) as follows:

1. To waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 60 foot wide road easement located on proposed Lot 3;
2. To waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the right-of-way/easement widths from 49 feet to 20 feet and 24 feet, respectively, for the proposed private access easement with the stipulation that the private access easement be constructed with a minimum 20 foot wide paved surface; and,
3. To waive the requirement to install sidewalk along both sides of the commercial street with the stipulation that a sidewalk be provided along one side of the street.

On April 17, 2006, the City Council approved a Vacation of Right-of-way (#06VR001) to vacate West Street with the stipulation that the applicant enter into an agreement with the City to insure that West Street shall remain in place with adequate easement(s) being recorded at the Register of Deed's Office and to insure the coordination of the removal and construction of access street(s) as needed.

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On August 21, 2006, the City Council approved a Preliminary Plat (#06PL115) to subdivide 20 acres into 11 lots that included the property. On January 26, 2007 a Final Plat (#07PL004) for Lots 1, 7 and 8 of Founders Park Subdivision was approved by staff.

Staff has noted that the proposed office park is currently not completed. Currently Lots 1,7, and 8 have been platted with the remainder of the proposed office park being unplatted. An office building is currently located on Lot 8, and an office building is currently under construction on Lot 7.

The applicant is proposing to revise the sign package that was previously approved by the original (#06PD083) Planned Unit Development-Final Development Plan. The applicant is proposing to construct a monument sign identifying the name of the office park at the entranceway on proposed Lot 6. In addition the applicant is proposing to construct a free standing monument type joint tenant identification sign on Lots 1, 7 and 8, and proposed Lots 2, 3, 4, and 5.

STAFF REVIEW:

Staff has reviewed the applicant's request to revise the previously approved sign package and noted the following considerations:

ENTRANCE SIGN / SIGN A

The applicant is proposing to construct an entrance sign identifying the name of the office park on proposed Lot 6. The applicant has submitted elevation renderings identifying the entrance sign as Sign A. The applicant has indicated that Sign A will exclusively advertise the name of the office park. Tenants of the office park will not be advertised on this sign. Sign A consists of two 12 foot brick columns, with a series of wooden beams that create an archway between the brick columns. A 10 foot by 3 foot hanging sign that identifies the office park is suspended from the archway. Staff has noted that this proposed sign is classified as an on-premise sign. Section 15.28.200 A states that an on premise sign may be 2 square feet in size for every linear foot of lot frontage on a public street. Currently, the frontage along proposed Lot 6 where it abuts Founders Park Drive is 360 feet. In addition Section 15.28.200 B states that an on premise sign cannot exceed 45 feet in height. As, noted the proposed entrance sign will be 12 feet in height. Staff finds that the proposed entrance sign meets the minimum standards of Section 15.28. 200.

JOINT TENANT IDENTIFICATION SIGNS/ SIGN B

The applicant is proposing to construct a joint tenant identification sign on each of the platted and proposed platted lots within the office park. The applicant has submitted an elevation rendering identifying these proposed signs as Sign B. Proposed Sign B consists of four (4) tenant identification signs measuring 2 feet by 5 feet. The base of the proposed sign is constructed of brick, decorative steel plates, and wood. Section 15.28.255 E states that joint identification signs are allowed to have a maximum area of 100 square feet or one square foot of sign for each two linear feet of street frontage of the development complex, whichever is greater, provided that the total area of all signs on each frontage shall not exceed 200 square feet. In addition, the maximum height of a joint tenant identification sign shall be 15 feet in height.

Currently, Lot 1 has frontage along Founders Park Drive a distance of 50 feet, and frontage

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along a proposed access easement a distance of 500 feet. Proposed Lot 2 has frontage along Founders Park Drive a distance of 160 feet. Proposed Lot 4 has frontage along a proposed access easement a distance of 330 feet. Proposed Lot 5 has frontage along Founders Park Drive a distance of 200 feet. As noted proposed Lot 6 has frontage along Founders Park Drive a distance of 360 feet, and the applicant plans to located an entrance sign (Sign A) and a joint identification sign (Sign B) on proposed Lot 6. Staff finds that proposed Sign A and Proposed Sign B are separated by a distance of 240 feet, which meets the minimum spacing requirement to 100 feet between on premise signs. Lot 7 currently has frontage along Founders Park Drive a distance of 170 feet. Lot 8 has frontage along Founders Park Drive a distance of 180 feet. The applicant is also proposing to construct a joint tenant identification sign on proposed Lot 9. Currently, proposed Lot 9 has frontage along Founders Park Drive a distance of 380 feet. The proposed joint tenant identification sign will be 40 square feet in size collectively, and 8 feet in height. Staff finds that the proposed joint identification signs for Lots 1,7, and 8, and proposed Lots 2,3,4,5,6 and 9 meet the size and height standards set forth in Section 15.29.225 E.

SIGHT TRIANGLE:

Staff has noted that none of the proposed signs obstruct any sight triangle for Founders Park Drive or any of the proposed access easements.

NOTIFICATION:

As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 21, 2008 Planning Commission meeting if this requirement is not met.

Staff finds that the proposed signs conform architecturally to the proposed architectural character of the office park. In addition the proposed signs do not obstruct the view within any sight triangle. For these reasons staff recommends that the Major Amendment to a Planned Unit Development to revise the approved sign package be approved assuming compliance with the state stipulations.