

STAFF REPORT
February 4, 2010

No. 10PD001 - Major Amendment to a Planned Commercial Development ITEM 31

GENERAL INFORMATION:

APPLICANT	Founders Park, LLC
AGENT	Steve Williams
PROPERTY OWNER	Founders Park LLC, FP, LLC and Northwestern Engineering Company
REQUEST	No. 10PD001 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	The W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	South of the intersection of Philadelphia Street and Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District - General Agriculture District
South:	Office Commercial District - Flood Hazard District
East:	Flood Hazard District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/12/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to Planning Commission approval, drainage, utility and access easements shall be recorded at the Register of Deed's Office to secure the access aisle extending through the joint parking lot located on proposed Lots 6 and 9 within a public access easement, to secure the existing utilities extending through proposed Lots 6 and 9 within utility easement(s) and to secure the storm sewer pipe located on proposed Lot 6 within a Major Drainage Easement. In addition, a copy of the recorded easements shall be

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- submitted to the Growth Management Department;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 3. Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained for any work to be done within the 100 year Federally designated Floodplain;
 4. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
 5. Prior to issuance of a building permit, a site specific grading and drainage plan shall be submitted for review and approval;
 6. Prior to issuance of a building permit, 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;
 7. Prior to issuance of a building permit, elevations of the proposed screening fence to be constructed around the dumpsters shall be submitted for review and approval;
 8. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Changes to the elevations, which the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
 9. 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. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. 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 the Planned Commercial Development. 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;
 10. A minimum of 59,940 landscaping points shall continue to be provided on Lot 2. In addition, a minimum of 148,296 landscaping points shall continue to be provided on Lots 6 through 9. In addition, one large planter boulevard measuring 480 feet in length by 25 feet in width shall continue to be provided on Lots 6 through 9 in lieu of four planter islands as previously approved. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. A minimum of 35 parking spaces with two of the spaces being handicap accessible shall be provided on Lot 2. In addition, one of the handicap spaces shall be "van" handicap accessible. A minimum of 228 parking spaces shall be provided on Lots 6 through 9 with the provision that a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas, shall be allowed on Lots 6 through 9. In addition, seven of the spaces shall be handicap accessible. One of the handicap spaces shall be "van" accessible;
 12. 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;

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13. The currently adopted 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 hydrants 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 sprinklered and fire alarmed as per the currently adopted International Fire Code;
14. The minimum required rear yard setback for the four commercial buildings on 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. An office commercial structure shall be allowed on Lot 2 and Lots 6 through 9 each. The accumulative square footage of the structures on Lots 6 through 9 shall not exceed a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas. Any expansion and/or change in use shall require that a Major Amendment to the Planned Commercial Development be obtained;
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; and,
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.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow an office building to be constructed on proposed Lots 6 and 9 of Founders Park Subdivision. In addition, the applicant has submitted a Preliminary Plat (File #10PL003) to plat a portion of the property creating a 0.8345 acre lot to be known as Lot 6 of Founders Park Subdivision. The applicant has also submitted a Variance to the Subdivision Regulations (File #10SV002) to reduce the width of the proposed public access easement that extends through Lots 6 through 9 from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as it abuts the property.

On August 21, 2006, the City Council approved a Preliminary Plat (File #06PL115) to create Lots 1 through 11 of Founders Park Subdivision. In addition, a Variance to the Subdivision Regulations (File #06SV046) was approved to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements. On January 26, 2007, a Final Plat was approved by the City for Lots 1, 7 and 8 of Founders Park Subdivision. On February 29, 2008, a Final Plat was approved for Lot 2 of Founders Park Subdivision. The Preliminary Plat for Lots 3, 4, 5, 6, 9, 10 and 11 has expired. As such, the applicant has submitted the associated Preliminary Plat request for proposed Lot 6.

On March 9, 2006, the Planning Commission approved an Initial Planned Unit Development (File #06PD001) to allow a mixed use development including family dwelling units and office uses to be constructed within the Founders Park Subdivision. Final Planned Unit

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Development(s) have been approved for Lots 2, 7 and 8 of Founders Park Subdivision to allow an office building to be constructed on each of the lots. On February 21, 2008 a Major Amendment to the Planned Unit Development (File #08PD021) was approved revising the previously approved sign package.

The property is located south of the intersection of Philadelphia Street and Founders Park Drive. Currently, office buildings are located on Lots 2, 7 and 8. Currently, landscaping has been installed and a parking lot has been constructed on proposed Lots 6 and 9. However, no structures have been constructed on these two proposed lots.

STAFF REVIEW: Staff has reviewed the Major Amendment to the Planned Commercial Development and has noted the following considerations:

Easements: A joint parking lot has been constructed on Lots 6 through 9. A sewer main has been constructed along the rear lot line of Lots 6 through 9 and a water main has been constructed on a portion of Lot 6. In addition, a storm sewer pipe has been constructed within the northern portion of Lot 9. Final Plats have been recorded for Lots 7 and 8. However, to date, Final Plats have not been recorded for Lots 6 and 9. As such, prior to Planning Commission approval, drainage, utility and access easements must be recorded at the Register of Deed's Office to secure the access aisle extending through the joint parking lot located on proposed Lots 6 and 9 within a public access easement, to secure the existing utilities extending through proposed Lots 6 and 9 within utility easement(s) and to secure the storm sewer pipe located on proposed Lot 9 within a Major Drainage Easement. In addition, a copy of the recorded easements must be submitted to the Growth Management Department.

Design: The applicant has submitted elevations for the proposed office buildings to be located on proposed Lots 6 and 9 identifying the proposed buildings to be one story structures with a peaked roof. 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 or brick veneer, fiber-cement siding or copper looking metal wall finish, wood, glass, stucco with shake looking roofing. In addition, the applicant has indicated that the structures will be earth tone in color. The applicant has also indicated that minor revisions to the structures may be proposed depending upon final design and future tenants.

Staff recommends that the proposed structure(s) conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Changes to the elevations, which the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development.

Setbacks: The previously approved Final Commercial Development Plan for Lots 7 and 8 reduced the rear yard setback for the four commercial buildings to be located on Lots 6, 7, 8 and 9 from 25 feet to 10 feet. The applicant's site plan identifies a 12 foot rear yard setback being provided on Lot 6 and a 10 foot rear yard setback being provided on Lot 9.

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Staff recommends that a minimum rear yard setback of ten feet be provided as previously approved on Lots 6 through 9. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District must be met.

Parking: The Final Commercial Development Plan for Lot 2 required that a minimum of 35 parking spaces be provided for the office commercial use to be located on the property. During the review and approval of the Final Commercial Development Plan for Lot 7, an Exception was granted reducing the parking requirement for Lots 6 through 9 from 264 spaces to 228 spaces with the provision that a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas, be allowed on the four lots.

The applicant has submitted a site plan identifying 225 parking spaces within a joint parking lot located on Lots 6 through 9. Seven additional parking spaces are provided within a parking garage located on Lot 8 for a total of 232 parking spaces. In addition, the accumulative square footage of all office use on the four lots totals 49,677 square feet. The applicant has also submitted a copy of a joint parking agreement for the four lots.

Staff recommends that a minimum of 35 parking spaces with two of the spaces being handicap accessible be provided on Lot 2. In addition, one of the handicap spaces must be "van" handicap accessible. A minimum of 228 parking spaces must be provided on Lots 6 through 9 with the provision that a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas, shall be allowed on Lots 6 through 9. In addition, seven of the spaces must be handicap accessible. One of the handicap spaces must be "van" accessible.

Landscaping: The Final Commercial Development Plan for Lot 2 required that a minimum of 59,940 landscape points be provided on Lot 2. During the review and approval of the Final Commercial Development Plan for Lot 7, an Exception was granted to allow one large planter boulevard measuring 480 feet in length by 25 feet in width on Lots 6 through 9 in lieu of four planter islands. In addition, a minimum of 148,296 landscape points were required on Lots 6 through 9. The applicant has submitted a landscape plan in compliance with the previously approved plans.

Staff recommends that a minimum of 59,940 landscaping points be continually provided on Lot 2. In addition, a minimum of 148,296 landscaping points must continually be provided on Lots 6 through 9. In addition, one large planter boulevard measuring 480 feet in length by 25 feet in width must continue to be provided on Lots 6 through 9 in lieu of four planter islands as previously approved. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Signage: A Major Amendment to the Planned Commercial Development (File #08PD003) was approved February 21, 2008 to allow the construction of a monument sign identifying the name of the office park at the entranceway on proposed Lot 6. In addition a free standing monument joint tenant identification sign was approved on Lots 1, 7 and 8, and proposed Lots 2, 3, 4, and 5. The applicant has submitted a revised sign package identifying that a similar joint tenant identification monument sign will be located on Lots 6 and 9.

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Staff recommends that all signage conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. 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 the Planned Commercial Development. 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 must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Dumpster: The site plan identifies the location of the dumpster(s) to be located on Lot 6 and Lot 9. To date, an elevation of the screening fence for the dumpsters has not been submitted for review and approval. Staff recommends that prior to issuance of a building permit, elevations of the proposed screening fence to be constructed around the dumpsters be submitted for review and approval.

Air Handling Equipment: To date, the applicant has not identified the location of any exterior air handling equipment. As such, staff recommends that prior to issuance of a building permit, the location, size and noise rating of any exterior air handling equipment be submitted for review and approval. In addition, the equipment must be screened from all adjacent properties.

Floodplain: A portion of the property is located within the 100 year Federally designated Floodplain. As such, prior to issuance of a building permit, a Floodplain Development Permit must be obtained for any work to be done within the 100 year Federally designated Floodplain.

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. The proposed structure must be fully fire sprinkled and fire alarmed as per the currently adopted International Fire Code. Staff is recommending that all currently adopted International Fire Codes be continually met.

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 February 4, 2010 Planning Commission meeting if these requirements have not been met.

Staff is recommending that the Major Amendment to the Planned Commercial Development

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be approved with the stipulations as outlined above.