

STAFF REPORT
March 8, 2012

No. 12PD006 - Initial and Final Planned Commercial Development

ITEM 4

GENERAL INFORMATION:

APPLICANT	Mike Kuhl - Pennington County Buildings & Grounds Department
AGENT	Gene Fennell
PROPERTY OWNER	Pennington County
REQUEST	No. 12PD006 - Initial and Final Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 1-32 and the vacated alley of Block 99 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.756 acres
LOCATION	South of Saint Joseph Street and north of Kansas City Street between 1st Street and 2nd Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	2/10/2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. Prior to issuance of a building permit, grading permits, or any disturbance of earth on the site, all necessary changes shall be made to the construction plans as identified on the redline drawings. All redlined drawings shall be returned to Community Planning and Development Services and signed and sealed final construction plans shall be submitted for review and approval;
2. A Building Permit is required prior to any construction. A Certificate of Occupancy is

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- required prior to occupancy of any of the structures on the site. Additionally, an Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
3. Prior to issuance of a Building Permit, a Developmental Lot Agreement for the proposed Planned Development shall be submitted to Community Planning and Development Services for review and approval;
 4. Prior to issuance of a Building Permit, documentation shall be submitted for review and approval demonstrating that parking in the existing Pennington County parking facility shall serve as shared parking for the proposed campus expansion;
 5. Prior to issuance of a Building Permit, Exceptions shall be obtained to allow a driveway greater than 28 feet in width and to allow for a reduced driveway-intersection distance, or revised plans shall be submitted for review and approval showing the required 28 foot maximum driveway width for the driveway on 1st Street, and showing a minimum 85 foot distance between the intersection of 1st and Kansas City Street and the driveway;
 6. Prior to issuance of a Building Permit, Exceptions shall be obtained to allow the reduced inter-driveway spacing and to allow access off the higher order street, or revised plans shall be submitted for review and approval showing a minimum 53 foot wide separation between the driveways located on Kansas City Street, and to eliminate access taken off the higher order street. If an Exception for reduced inter-driveway spacing is approved, directional signage restricting the driveways accessing Kansas City Street shall be provided;
 7. Prior to issuance of a Building Permit, an Exception to allow curbside sidewalks in lieu of the required property line sidewalks shall be obtained, or revised plans shall be submitted for review and approval showing the required property line sidewalks;
 8. Prior to issuance of a Building Permit, an Exception shall be obtained to locate the sewer outside the center of the roadway, or revised plans shall be submitted for review and approval showing the relocated sewer line being located in the center of roadway;
 9. An Exception is hereby granted to allow 75 parking spaces to be provided onsite in lieu of the required 461 parking spaces, contingent upon securing parking within the existing parking structure located immediately to the west of the Planned Development. All parking shall comply with Section 17.50.270 of the Rapid City Municipal Code;
 10. An Exception is hereby granted to allow a maximum building height for the proposed administration building to be 58 feet, in lieu of the maximum allowable 45 feet;
 11. An Exception is hereby granted to reduce the front yard setbacks on Saint Joseph Street from 25 feet to 19.67 feet, on 1st Street from 25 feet to 13.70 feet and on 2nd Street from 25 feet to 10.44 feet;
 12. Prior to issuance of a building permit, a revised site plan shall be submitted for review and approval showing the number of landscaping points being provided. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan may be considered as a Minimal Amendment to the Planned Residential Development. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary in compliance with the City's adopted landscaping ordinance;
 13. Prior to issuance of building permits, revised plans shall be submitted to Community Planning and Development Services for review and approval that include the proposed photometric plan for the development;
 14. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code shall be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the

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Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals shall require a Major Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage may be considered as a Major Amendment to the Planned Commercial Development. The Director of Community Planning and Development Services 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);

15. This Planned Commercial Development shall allow for the construction of an Administration Building and Evidence Building with landscaping, parking and pedestrian circulation to be constructed as a part of the Pennington County campus. Other uses permitted in a General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a General Commercial District shall require a Major Amendment to the Planned Commercial Development;
16. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,
17. The Planned Commercial Development shall expire if the use is not undertaken and completed within five years, or if the use as approved has ceased for a period of two years. Any changes to the date of completion shall be considered as a Major Amendment to the Planned Commercial Development.

GENERAL COMMENTS: The applicant has submitted a request for an Initial and Final Planned Commercial Development. In particular, the applicant is requesting an Initial and Final Planned Commercial Development for the construction of an Administration Building and Evidence Building which will house offices, labs, and storage as a part of the Pennington County Courthouse campus. The applicant has also proposed landscaping and parking on the site. The property is zoned General Commercial District. Offices and labs are a permitted use in a General Commercial District.

In October of 2011, two separate applications were approved to Vacate the alley right-of-way located between 1st and 2nd Streets in the Planned Development (File # 11VR004 and 11VR005).

The location of the property is between Kansas City Street and Saint Joseph Street, between First and Second Streets, in central Rapid City. Currently, the property is developed as a mix of offices, residences, and parking. The existing Evidence Building is also located within the Planned Development.

STAFF REVIEW: Staff has reviewed the request for an Initial and Final Planned Residential Development and has noted the following considerations:

Use: The proposed Planned Development is an expansion of the Pennington County Courthouse campus. Currently, all administrative offices for Pennington County are located in the Courthouse facilities immediately to the west of the proposed Planned Development. The proposed Development will allow for the construction of an Administrative Building to

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house offices currently located in the Courthouse, as well as a new Evidence Building. The offices, labs, and storage space associated with the proposed development are a permitted use in a General Commercial District. The applicant has also proposed off-street parking, landscaping, and pedestrian circulation on-site to service the two proposed buildings. Other uses permitted in a General Commercial District may be allowed as a Minimal Amendment to the Planned Commercial Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses allowed within a General Commercial District will require a Major Amendment to the Planned Commercial Development.

Building Permits/ Certificate of Occupancy: A Building Permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of any of the structures on the site. Additionally, an Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

Redline Comments: Prior to issuance of a Building Permit, grading permits, or any disturbance of earth on the site, all necessary changes must be made to the construction plans as identified on the redline drawings. All redlined drawings must be returned and signed and sealed final construction plans must be submitted for review and approval.

Developmental Lot Agreement: The proposed Planned Development is located on more than one lot. A Developmental Lot Agreement is required for development located on more than one lot. As such, prior to issuance of a Building Permit, a Developmental Lot Agreement for the proposed Planned Development must be submitted to the Register of Deeds and a copy must be submitted to Community Planning and Development Services for review and approval.

Architecture and Design: The proposed Administration Building is a maximum of 58 feet tall. Rapid City Municipal Code Chapter 17.18.060 states that no building or structure in the General Commercial District shall exceed 4 stories or 45 feet in height. The proposed structure is 13 feet taller than the maximum allowable building height. Existing structures adjacent to the west and a part of the Pennington County campus were approved in the past with a maximum height of 75 feet. This Planned Development is an extension of the existing Pennington County campus. In addition, the portion of structure to be over the maximum allowable height is only located in one portion of the Administration Building located on the north and west portions of the Planned Development. The building height for all other structures and portions of buildings within the Planned Development appears to meet the regulations of the General Commercial District. Property to the north, south, east, and west is zoned General Commercial District and includes several office buildings and parking lots. Property to the southeast is zoned High Density Residential District. One property zoned High Density Residential is adjacent to the proposed Planned Development, but is on the opposite corner of the Planned Development from the structure with the proposed Height Exception. As the proposed maximum height of the Administration Building is less than the height of other existing structures within the Pennington County campus, and minimally impacts any neighboring residential districts, staff recommends approval of the height exception of 58 feet in lieu of the maximum allowable 45 feet.

Parking: Based on the proposed uses on the site, a total of 461 parking spaces are required.

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The submitted plans show a total of 75 parking spaces being provided onsite. In March of 2011, a parking garage with a total of 781 parking spaces was approved as a part of an Initial and Final Planned Commercial Development (File #11PD012) for the Pennington County Courthouse facilities located immediately to the west. The applicant has shown that the parking facility meets existing parking demand, and consistently has surplus parking spaces. In addition, the applicant has demonstrated that the proposed Planned Development is not increasing the employment or capacity of the uses located in the current Pennington County Courthouse, rather, the proposal is creating more room for the existing uses. As such, an increase in the total parking for the Pennington County Courthouse Campus is not warranted. Parking needs of the existing parking garage as well as the spaces provided onsite appear to meet current parking needs. However, the use of the existing parking garage must be secured for use by the proposed Planned Development. As such, prior to issuance of a Building Permit, documentation must be submitted for review and approval demonstrating that parking in the existing Pennington County parking facility will serve as shared parking for the proposed campus expansion. All parking must comply with Section 17.50.270 of the Rapid City Municipal Code.

Setbacks: The applicant's site plan shows that 25 foot front yard setbacks are required along 1st Street, 2nd Street, Saint Joseph Street, and Kansas City Street. The applicant is proposing a 19.67 foot setback along Saint Joseph Street, a 13.70 foot setback along 1st Street, and a 10.44 foot setback along 2nd Street. The setback on Kansas City Street is 25.23 feet. The reduced setbacks are being proposed in order to accommodate off-street parking, landscaping, and pedestrian circulation onsite. Existing development on-site and on adjacent properties to the west have reduced setbacks. The property to the west is also a part of the Pennington County campus. The proposed Planned Development will be an extension of the existing Pennington County campus and will provide on-site pedestrian circulation and access throughout the site while reflecting the campus-like nature of the development. The request for reduced setbacks is along right-of-ways only, and does not include a reduction in setbacks between property lines. It appears that sufficient sidewalk and utility access will be provided along the public right-of-ways. Due to existing reduced setbacks in the Pennington County campus, the provision of interior pedestrian access and circulation, and adequate access to utilities and sidewalks in the right-of-way, staff recommends that the Exception for reduced setbacks be approved.

Landscaping: The applicant submitted plans showing the site will be landscaped, however, some discrepancies in the number of points being provided were found during review of the application. The applicant's plan shows a minimum of 73,725 landscaping points are required. The applicant met with staff on February 28, 2012 and was informed of the discrepancies. Prior to issuance of a building permit, a revised site plan must be submitted for review and approval showing the number of landscaping points being provided. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan may be considered as a Minimal Amendment to the Planned Residential Development. All landscaping must be continually maintained in a live vegetative state and replaced in compliance with the City's adopted landscaping ordinance.

Lighting: The applicant's site plan does not include a photometric plan identifying all outdoor lot lighting for the property. Rapid City Municipal Code Chapter 17.50.310 states that lighting of

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all types, excluding street lighting and traffic signals, shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard. As such, prior to issuance of building permits, revised plans must be submitted to Community Planning and Development Services for review and approval that include the proposed photometric plan for the development.

Signage: To date, the applicant has not proposed signage as a part of this application. The applicant should be aware that if signage is going to be included as a part of the proposed Development, a sign package must be submitted to Community Planning and Development Services for review and approval. Signage in compliance with Chapter 15.28 of the Rapid City Municipal Code will be allowed with a sign permit. All signage not in compliance with Chapter 15.28 of the Rapid City Municipal Code requiring the review of the Sign Code Board of Appeals will require a Major Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Commercial Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Commercial Development. The Director of Community Planning and Development Services 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).

Sidewalks: The submitted plans show curbside sidewalks to be constructed in lieu of property line sidewalks. The Street Design Criteria Manual requires an Exception for curbside sidewalks. As such, prior to issuance of a Building Permit, an Exception to allow curbside sidewalks in lieu of the required property line sidewalks must be obtained, or revised plans must be submitted for review and approval showing the required property line sidewalks.

Driveways: The submitted plans show the Planned Development will be accessible by four ingress/egress points. One driveway accesses the Evidence Building from 1st Street. One driveway accesses off-street parking from 1st Street. Two access points access one parking lot from Kansas City Street. The Street Design Criteria Manual allows a maximum of two driveways. As such, prior to issuance of a Building Permit, an Exception must be obtained to allow four driveways in lieu of the maximum allowable two, or revised plans must be submitted for review and approval eliminating the excess driveways.

The submitted plans show that driveway servicing the Evidence Building from 1st Street is 53.34 feet wide. The Street Design Criteria Manual allows a maximum driveway width of 28 feet. In addition, the driveway appears to be 52 feet from the intersection of 1st Street and Kansas City Street. The minimum allowable distance between a driveway and an intersection is 85 feet. As such, prior to issuance of a Building Permit, Exceptions must be granted to allow a driveway greater than 28 feet in width and to allow for a reduced driveway-intersection distance, or revised plans must be submitted to Community Planning and Development Services showing the required 28 foot maximum driveway width, and showing a minimum 85 foot distance between the intersection and the driveway.

The submitted plans show that the driveways accessing parking on Kansas City Street are 36 feet apart. The Street Design Criteria Manual requires a minimum spacing of 53 feet between driveways. In addition, the driveways on Kansas City Street access a higher order

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road. Access is permitted only from the lower order street. As such, prior to issuance of a Building Permit, Exceptions must be granted to allow the reduced driveway spacing and to allow access off the higher order street, or revised plans must be submitted for review and approval showing a minimum 53 foot wide separation between the driveways and to eliminate access taken off the higher order street. If an Exception for reduced inter-driveway spacing is approved, directional signage restricting the driveways accessing Kansas City Street must be provided.

Utilities: The applicant's site plan shows that the relocated sanitary sewer line will be located along Saint Joseph Street. Sewer lines are required to be located in the center of roadways. As such, prior to issuance of a Building Permit, an Exception must be obtained to locate the sewer outside the center of the roadway, or revised plans must be submitted for review and approval showing the relocated sewer line being located in the center of roadway.

Notification Requirements: The required sign has been posted on the property. The required receipts and green cards from the certified mailing have not been returned. Staff will inform the Planning Commission at the March 8, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Planned Development.

Staff recommends that the Initial and Final Planned Commercial Development be approved with the stipulations outlined above.