

STAFF REPORT
March 22, 2012

No. 12PD009 - Initial and Final Residential Development Plan

ITEM 21

GENERAL INFORMATION:

APPLICANT	Gale Johnson - Why Not Investments, LLC
PROPERTY OWNER	Why Not Investments, LLC
REQUEST	No. 12PD009 - Initial and Final Residential Development Plan
EXISTING LEGAL DESCRIPTION	Lots 1-4 of Block 114 of the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .32 acres
LOCATION	603, 605 and 607 Quincy Street and 811 and 811 1/2 Sixth Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Central Business District
South:	High Density Residential District
East:	Office Commercial District (Planned Commercial Development)
West:	High Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	2/24/2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

If Planning Commission determines it is appropriate to grant an Exception to reduce the off-street parking requirements from 39 spaces to 5 spaces, staff recommends the Initial and Final Planned Residential Development be approved with the following stipulations:

1. An Exception to reduce the required off-street parking from 39 spaces to 5 spaces is hereby granted. A minimum of one "van accessible" handicap space shall be provided. All parking shall comply with Section 17.50.270 of the Rapid City Municipal Code;
2. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;

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3. Prior to issuance of a Building Permit, revised plans shall be submitted for review and approval showing all structures are located outside the right-of-way, or the parts of structure encroaching in the right-of-way shall be removed, or the portions of right-of-way being encroached upon shall be vacated;
4. 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 and signed and sealed final construction plans must be submitted for review and approval;
5. Prior to issuance of a Building Permit, revised plans shall be submitted to Community Planning and Development Services for review and approval showing the domestic water line and fire service line installed to conform with Rapid City standard specifications. In addition, plans shall be submitted for review and approval identifying the existing 4 inch sewer service line and that the service line is abandoned per Rapid City standard specifications;
6. Prior to issuance of a Building Permit, revised plans shall be submitted for review and approval showing the location of directional signage for vehicle circulation on the site;
7. An Exception to allow a zero foot front yard setback in lieu of the minimum required 25 foot front yard setback is hereby granted for the existing structures. An Exception for a one foot side yard setback in lieu of the minimum required 12 foot side yard setback is hereby granted for the existing structures. An exception for a 0.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback is hereby granted for the existing structures. Any redevelopment of the site shall require that the minimum setbacks be provided;
8. An Exception to reduce the minimum required lot size from 43,000 square feet to 13,940 square feet is hereby granted. Any redevelopment of the site shall require that the minimum lot size requirements be provided;
9. An Exception to allow 51 percent lot coverage of in lieu of the maximum allowable 30 percent is hereby granted. Any redevelopment of the site shall require that the lot coverage requirements of the zoning district be provided;
10. An Exception to reduce the required amount of usable open space from 10,400 square feet to 6,929 square feet is hereby granted. Any redevelopment of the site shall require that the minimum requirements for usable open space be provided;
11. A minimum of 6,929 points of landscaping shall be 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;
12. 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 Residential Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Residential Development. In addition, 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);

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13. Lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on adjacent properties and/or streets;
14. This Planned Residential Development shall allow for the construction of 26 multi-family housing units to be located in three structures in lieu of the maximum allowable 5 units. Other uses permitted in a High Density Residential District that provide the minimum amount of off-street parking shall be allowed as a Minimal Amendment to the Planned Residential Development requiring the approval of the Director of Community Planning and Development Services. Conditional uses or uses that do not provide the minimum required off-street parking shall require a Major Amendment to the Planned Residential Development;
15. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,
16. The Planned Residential Development shall expire if the use is not undertaken and completed within two 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 Residential Development.

GENERAL COMMENTS: The applicant has submitted a request for an Initial and Final Planned Residential Development to allow the construction of 26 multi-family units to be located in three structures. One of the three structures in the Planned Development is vacant due to a fire in 2007. As such, the structure has lost its legal non-conforming status and must be brought into compliance with current regulations. The remaining two structures on the properties are being used as a single family residence and as a duplex. The applicant has indicated the property will be developed as a reuse of existing structures for the purpose of multi-family housing.

A Building Permit for the property was denied in early 2012 due to several non-conforming land use issues. They include:

- Multiple primary uses on a residential property.
- Non compliant front, side, and rear yard setbacks.
- Structures located in the right-of-way.
- Insufficient lot size for the proposed use.
- Insufficient usable open space for the proposed use.
- Lot coverage above the maximum allowable.
- Insufficient off-street parking for the proposed use.

Due to the multiple proposed uses on one property and the non-conforming land use regulations, the applicant has applied for this Initial and Final Planned Residential Development.

The property is located to the southwest of the intersection of Quincy Street and 6th Street. Currently, the property is developed as a single family residence, a duplex, and a vacant multi-family housing structure.

STAFF REVIEW: Staff has reviewed the application for an Initial and Final Planned Residential

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Development and has noted the following considerations:

Use: The submitted plans show that the properties will be developed as a reuse of existing structures for the purpose of multi-family housing. Currently, multi-family housing is a permitted use in a High Density Residential District; however, only one primary use is permitted per residential property. The applicant has submitted this Initial and Final Planned Residential Development to address this issue as well as several land-area regulation issues. The applicant has indicated the property will be marketed as single occupancy units. In addition, the property owner has indicated they will work closely with local organizations such as the Black Hills Workshop and the Veteran's Affairs office to offer efficiency apartments to the disabled and disadvantaged. The Development will not be operated as a group home, rather as individual apartments.

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.

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.

Site Plan: The submitted plans show that a portion of one of the structures is located in the 6th Street right-of-way. Prior to issuance of a Building Permit, the portions of the structure encroaching in the right-of-way must be removed, or right-of-way being encroached upon must be vacated.

Parking: The Rapid City Parking Regulations require that 1.5 parking spaces per unit be provided for all multi-family housing developments. As such, a total of 39 parking spaces are required for this Initial and Final Planned Residential Development. The applicant is proposing 5 off-street parking spaces for the property. The applicant has requested an Exception to reduce the required amount of off-street parking from 39 spaces to 5 spaces. A minimum of one of those spaces must be "van" handicap accessible. The submitted plans show one of the proposed spaces will be an ADA accessible space. An additional space will be a "universal" parking space which will accommodate van accessibility. It appears the required amount of ADA accessible parking is being provided

There is a parking shortage in the downtown and neighboring residential areas. The construction of a multi-family housing development so close to the downtown area without the required off-street parking may have an adverse effect on the neighborhood. The applicant's operations plan states that off-street parking requirements may be reduced because the tenants of the development will be less likely to own or operate a motor vehicle and more likely to utilize alternative means of transportation. The location of the property is within two blocks of all five bus routes operated by the Rapid Ride mass transit system. The proposed development is a reuse of existing structures previously used as residential; however, due to the vacancy of one of the structures, the property has lost its legal non-conforming status. If the Planning Commission determines that the requested reduction in off-street parking from 39 spaces to 5 spaces is appropriate to in order to allow the reuse of

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existing structures, staff recommends approval of the Exception to reduce the required off-street parking from 39 spaces to 5 spaces provided that one of the parking spaces is “van” handicap accessible. All parking must comply with Section 17.50.270 of the Rapid City Municipal Code.

Americans with Disabilities Act: The applicant submitted an application for a Building Permit that proposed an approximately 119 square foot addition to the apartment complex. The proposed addition included an elevator to address handicap access for the legally non-conforming structure. The Building Permit cannot be issued unless this Planned Development is approved for the property. No additional expansion of the structures on the site is being proposed.

Setbacks: The existing structures on the site do not currently meet setback requirements for a High Density Residential Development. The applicant has submitted a request to reduce the front setback to 0 feet in lieu of the minimum required 25 feet. In addition, the applicant has requested an Exception to reduce the side yard setback from 12 feet to 1 foot. The applicant is also requesting an Exception to reduce the rear yard setback from 25 feet to 0.5 feet. No further encroachment into the setbacks is being proposed. One of the structures on the site is being expanded in order for the property to meet requirements of the Americans with Disabilities Act. Any expansion of the remaining existing structures require that the property come into compliance with the land use regulations of the zoning district the property is located in. The proposed expansion is the minimum adjustment required to comply with the Americans with Disabilities Act. As such, staff recommends that the Exception to reduce the front yard setback from 25 feet to 0 feet be approved contingent upon Planning Commission approving the requested reduction in off-street parking. In addition staff also recommends that the side yard setback be reduced from 12 feet to 1 foot and to reduce the rear yard setback from 25 feet to 0.5 feet contingent upon Planning Commission approving the requested reduction in off-street parking. Any further redevelopment of the site must meet the minimum setback requirements.

Lot Size: The submitted plans propose a total of 26 dwelling units on the property. Twenty-three are proposed in the vacant apartment building. Two are proposed for the structure on the south side of the property. The structure on the west side of the property will be developed as a single family residence. All proposed dwelling units are a part of a single multi-family housing development, and as such, require a minimum of 1,500 square feet of lot size per dwelling unit. A minimum base of 6,000 square feet of lot area is required for any multi-family housing. The proposed number of dwelling units requires a minimum lot size of 45,000 square feet. Please note that the existing structures have been located on the lot for several years. According to Department of Equalization reports, the single family residence was constructed on the property in 1890. The large fire-damaged structure was constructed in 1941, while the final structure was constructed in 1962. The structures are currently located on two lots with a total of 13,940 square feet of cumulative square footage. As such, the applicant has requested an Exception to allow a multi-family housing development to be located on a lot with 13,940 square feet of lot area in lieu of the minimum required 45,000 square feet. The existing properties are considered legal non-conforming and are located in a zoning district intended for high-density, multiple-family dwellings. As such, staff recommends that the Exception to reduce the minimum required lot size from 45,000 square feet to 13,940 square feet be approved contingent upon the Planning

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Commission approving the requested reduction in off-street parking. Any redevelopment of the site must meet the minimum lot size requirements.

Lot coverage: The applicant is proposing a development with a total building footprint of 7,011 square feet. The Planned Development is comprised of 2 lots totally 13,940 square feet. This equals total lot coverage of approximately 51 percent. In the High Density Residential District, the maximum lot coverage for residential structure less than 45 feet in height is 30 percent. As such, the applicant has requested an Exception to increase the maximum allowable lot coverage from 30 percent to 51 percent. The existing structures on the site are considered legal non-conforming. The proposed 119 square foot expansion brings the structure into compliance with the American with Disabilities Act. As such, staff recommends that the Exception to increase the maximum allowable lot coverage to 51 percent in lieu of the maximum allowable 30 percent be approved contingent upon the Planning Commission approving the requested reduction in off-street parking. Any redevelopment of the site must meet the lot coverage requirements of the zoning district.

Usable Open Space: The submitted plans show 6,929 square feet of usable open space on the properties. In the High Density Residential Development, a minimum of 400 square feet of usable open space is required per dwelling unit. The applicant has proposed 26 dwelling units for the property. As such, a minimum of 10,400 square feet of open space must be provided. The applicant has requested an Exception to decrease the amount of usable open space on the site from 10,400 square feet to 6,929 square feet. The High Density Residential District is designed to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high-density, multiple family dwellings. Staff recommends that the Exception to decrease the required amount of usable open space from 10,400 square feet to 6,929 square feet be approved contingent upon the Planning Commission approving the requested reduction in parking. Any redevelopment of the site must meet the minimum usable open space requirements.

Landscaping: A minimum of 6,929 landscaping points are required for the property. The submitted plans show that a minimum of 9,071 landscaping points are being provided. It appears that the landscaping requirements are being met. 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 as necessary in compliance with the City's adopted landscaping ordinance.

Signage: The submitted plans show that vehicle circulation will be limited to one-way traffic entering the property from Quincy Street and exiting onto 6th Street. Prior to issuance of a Building Permit, revised plans must be submitted showing directional signage for the vehicle circulation onsite.

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 lot, 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

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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 Residential Development. The addition of electronic signage will be considered as a Major Amendment to the Planned Residential Development. In addition, 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).

Lighting: The applicant's site plan identifies all outdoor lot lighting for the property. Rapid City Municipal Code Chapter 17.50.310 requires that lighting of all types, excluding street lighting and traffic signals, shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/or streets.

Historic Review: Staff has noted that a portion of the property is located within a Historic District. The applicant has undergone an 11.1 Historic Review and the designs for the proposed structure have been approved by the Historic Preservation Commission.

Utility Services: Public Works staff has noted that the submitted plans do not adequately address water and sewer service to the property. Specifically, the installation of domestic water service and fire service lines does not meet City specifications. In addition, the existing 4 inch sewer service line for the property must be located and abandoned per City specifications. Prior to issuance of a Building Permit, revised plans must be submitted to Community Planning and Development Services for review and approval identifying the water service line and fire service line will be installed to conform with Rapid City standard specifications. In addition, plans must be revised to show the existing 4 inch sewer service line will be located and abandoned per Rapid City standard specifications.

Notification Requirements: At this time, the required signs have not been posted on the property. The required green cards and white receipts from the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the March 22, 2012 Planning Commission meeting if those requirements have not been met.