

STAFF REPORT  
May 24, 2012

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**No. 12PD013 - Initial and Final Planned Unit Development**

**ITEM 3**

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GENERAL INFORMATION:

APPLICANT	John Samuelson - Samuelson Development, LLC
AGENT	Eric Willadsen, PE for Willadsen Lund Engineering
PROPERTY OWNER	Olsen Development Company, Inc.
REQUEST	<b>No. 12PD013 - Initial and Final Planned Unit Development</b>

EXISTING  
LEGAL DESCRIPTION

A parcel of land known as that part of the south 495' of NE1/4SE1/4, less Lot 1 of Bendert Subdivision and the unplatted portion of SE1/4SE1/4, all located in the SE1/4SE1/4 and NE1/4SE1/4 of Section 22, T.1N, R.7E, B.H.M., Rapid City, Pennington County, South Dakota and being more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 33.00', thence N40°25'57"W a distance of 44.51' to the true point of beginning of the herein described parcel; Thence N88°15'46"W a distance of 213.93'; Thence with a non-tangent curve turning to the right with an arc length of 440.24', with a radius of 370.00', with a chord bearing of N47°43'20"W, with a chord length of 414.73'; Thence N13°38'06"W a distance of 509.17'; Thence with a curve turning to the left with an arc length of 63.82', with a radius of 230.00', with a chord bearing of N21°34'10"W, with a chord length of 63.62'; Thence N01°58'11"E a distance of 275.25' to a found pin and cap stamped "RLS 1019", said pin and cap being the southwest corner of aforesaid Lot 1 of Bendert Subdivision; Thence following the southerly line of said lot 1 S88°18'29"E a distance of 189.97' to a found pin and cap stamped "RLS 1019", said pin and cap being the southeast corner of said lot 1 of Bendert Subdivision; Thence following the easterly line of said Lot 1 N01°42'02"E a distance of 199.51' to a point from which a found pin and cap stamped "RLS 1019" bears N01°42'02"E a distance of 29.87'; Thence departing said easterly line of Lot 1 of Bendert Subdivision thence S88°05'53"E a distance of 533.01' to a point in the easterly line of aforesaid Section 22 and from which bears a found pin and cap stamped "RLS 1019" N01°56'47"E a distance of 190.17'; Thence following said easterly line S01°56'47"W a distance of 614.13' to a point being in the northwesterly right-of-way

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	line of promise road; Thence with a non-tangent curve turning to the left with an arc length of 79.66', with a radius of 195.73', with a chord bearing of S24°11'22"W, with a chord length of 79.11'; Thence S01°57'08"W a distance of 29.21'; Thence S01°57'08"W a distance of 575.87' to the point of beginning
PARCEL ACREAGE	Approximately 17.48 acres
LOCATION	At the current terminus of Promise Road
EXISTING ZONING	Office Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Park Forest District (Planned Residential Development)
South:	General Agriculture District
East:	Public District - Office Commercial District (Planned Development Designation)
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/28/2012
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

**RECOMMENDATION:**

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

1. **Prior to Planning Commission approval, the Traffic Impact Study shall be revised to address the South Dakota Department of Transportation comments. In addition, the revised Traffic Impact Study shall be submitted for review and approval. The final Traffic Impact Study shall be sealed and signed by a licensed Professional Engineer licensed to practice in the State of South Dakota;**
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, the elevations for the proposed garage(s) shall be submitted for review and approval;**
4. **Upon submittal of a Building Permit, a detailed drainage report shall be submitted for review and approval to ensure that the proposed discharge rate at the northwest corner of the property does not exceed pre-existing flows;**
5. **Upon submittal of a building permit, construction plans shall be submitted for**

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- review and approval clarifying the location and design of the proposed water main extension(s) in order to provide sufficient fire flows. Prior to issuance of a Certificate of Occupancy, the water main construction shall be completed and easements secured as needed;
6. Prior to issuance of a Certificate of Occupancy, the Parking and Access Agreement shall be revised as needed to address the City Attorney's Office comments. In addition, the Parking and Access Agreement shall be recorded and a copy of the recorded document submitted to the Community Planning & Development Services Department;
  7. Prior to issuance of a Certificate of Occupancy, all public improvements needed to serve the proposed development shall be constructed, inspected and accepted by the City. In addition, public utility easements shall be secured as needed;
  8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  9. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Unit Development. Changes to the proposed elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Unit Development;
  10. The five foot high vinyl security fence to be constructed around the swimming pool and the six foot high wood screening fence to be constructed around portions of the perimeter of the project shall be located and constructed in compliance with the submitted fence package. Changes to the proposed fence elevations, design plans and color palette which the Community Planning and Development Services Director determines to be consistent with the original approved elevations, design plans and color palette shall be allowed as a Minimal Amendment to the Planned Unit Development;
  11. Access shall be continually provided through the site to Lot 1, Bendert Subdivision;
  12. An Exception is hereby granted to allow a four story structure with a height of 56 feet in lieu of a maximum three story structure with a height of 35 feet;
  13. A minimum of 398 parking spaces shall be provided. In addition, nine of the parking spaces shall be handicap accessible. Two of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
  14. A minimum of 667,371 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  15. Prior to issuance of a sign permit, an elevation of the proposed signs identifying the size, design, material, lighting and color must be submitted for review and approval. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Unit Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a

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- Minimal Amendment to the Planned Residential Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Residential Development. 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;**
16. **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;**
  17. **All provisions of the Office Commercial 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,**
  18. **The Initial and Final Planned Unit Development shall allow the property to be used for multi-family apartment buildings. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Unit Development.**

GENERAL COMMENTS:

**(Update: May 15, 2012. All revised and/or added text is shown in bold print.) This item was continued at the May 10, 2012 Planning Commission meeting to allow the applicant to submit fire flow information and a Parking and Access Agreement and to allow staff time to review a recently submitted Traffic Impact Study.**

(Update: May 2, 2012. All revised and/or added text is shown in bold print.) This item was continued at the April 26, 2012 Planning Commission meeting to allow the applicant to submit additional information. On April 27, 2012, revised utility plans, a revised parking plan, a revised landscape plan and erosion control information was submitted for review and approval. Staff also met with the applicant(s) and their consultant on April 27, 2012 to discuss the outstanding issues.

On April 30, 2012, a Traffic Impact Study was submitted for review and approval. Staff is currently reviewing the Traffic Impact Study and will notify the applicant if comments or concerns must be addressed. To date, fire flow analysis information has not been submitted for review and approval. In addition, a Parking and Access Agreement has not been submitted for review and approval. As such, staff recommends that the Initial and Final Planned Unit Development be continued to the May 24, 2012 Planning Commission meeting.

(Update: April 18, 2012. All revised and/or added text is shown in bold print.) This item was continued at the April 5, 2012 Planning Commission meeting to allow the applicant to submit additional information. To date, the information as noted below has not been submitted for review and approval. As such, staff recommends that the Initial and Final Planned Unit Development be continued to the May 10, 2012 Planning Commission meeting with the applicant's concurrence.

(Update: March 27, 2012. All revised and/or added text is shown in bold print.) This item

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was continued at the March 22, 2012 Planning Commission meeting to allow the applicant to submit additional information. On March 23, 2012, the applicant submitted a revised landscaping plan, a revised site plan, an erosion and sediment control plan, utility improvements plan and profile, fencing information, signage information and a draft Cross Use Easement. To date, the balance of the information as noted below has not been submitted for review and approval. As such, staff recommends that the Initial and Final Planned Unit Development be continued to the April 26, 2012 Planning Commission meeting with the applicant's concurrence.

The applicant has submitted an Initial and Final Planned Unit Development to allow the construction of a 265 unit apartment complex to be constructed in two phases on the above legally described property. Phase One will include the main entrance building and the southeast and southwest wings of a four story apartment building. In addition, Phase One will include the construction and/or installation of the associated parking and access, landscaping, common area, garage(s), swimming pool and infrastructure to serve this phase of the project. Phase Two will entail the completion of the apartment building and the associated parking and infrastructure to serve this phase of the project.

The applicant has indicated that a third phase of the development will be proposed once Phase One and Phase Two have been completed. Phase Three will include the construction of a separate apartment building with 60 to 100 units and the associated parking, landscaping and infrastructure to serve this portion of the project. The applicant should be aware that an Initial and Final Planned Unit Development must be submitted for Phase Three prior to the start of construction within this area.

On March 5, 2012, the City Council approved a Preliminary Plat (File #12PL004) to create four lots to be known as Lots 1 and 2 and Tracts A and B of Skyline Village Subdivision. In addition, the City Council approved a Variance to the Subdivision Regulations (File #12SV002) to waive the requirement to improve existing and proposed easements located within the development with curb, gutter, sidewalk, street light conduit, water and sewer, to waive the requirement to provide curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway(s) abutting the property, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an H-Lot located west of the property; and to waive the requirement to provide sewer and a sidewalk along the north side of Vineyard Lane as it extends through the property.

The applicant is proposing to construct Phase One and Two of the Skyline Village Apartment Complex on proposed Lot 1 and a portion of proposed Lot 2. The applicant has indicated that Phase Three will be constructed on the balance of proposed Lot 2.

The property is located at the western terminus of Promise Road. Currently, the property is void of any structural development

**STAFF REVIEW:**

Staff has reviewed the Initial and Final Planned Unit Development application and noted several issues that must be addressed prior to this item being considered by the Planning Commission. The following is a list of the issues that must be resolved:

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- A traffic impact study must be submitted for review and approval to identify if street improvements are needed as a result of the project. In particular, the traffic impact study must address whether street improvements are needed at the intersection of U.S. Highway 16 and Promise Road and the intersection of Catron Boulevard and Vineyard Lane; (Update: May 2, 2012.) As previously noted, on April 30, 2012, a Traffic Impact Study was submitted for review and approval. Staff is currently reviewing the Traffic Impact Study and will notify the applicant if comments or concerns must be addressed. **(Update: May 15, 2012.) The South Dakota Department of Transportation has reviewed the recently submitted Traffic Impact Study and has noted two points of clarification regarding trip generation data and base count data. They have requested that the Traffic Impact Study be revised to address these issues prior to acceptable of the report. As such, staff recommends that prior to Planning Commission approval, the Traffic Impact Study be revised to address the South Dakota Department of Transportation comments and that the revised Traffic Impact Study be submitted for review and approval. The final Traffic Impact Study must be sealed and signed by a licensed Professional Engineer.**
- Water data must be submitted for review and approval confirming that the fire flow analysis modeling provided with the Preliminary Plat application is compatible with the fire flow requirements of the proposed development; (Update: May 2, 2012.) To date, this information has not been submitted. Based on the importance of demonstrating that fire flow needs can be met, staff is recommending that this item be continued to allow the applicant to submit the information prior to consideration by the Planning Commission. **(Update: May 15, 2012.) The applicant's Engineer has submitted water data demonstrating that fire flows can be met with water main extension(s) to the site from Promise Road, from Golden Eagle Drive and from Vinyard Lane. It is unclear if all three connections will be required in order to provide the fire flows. However, since the applicant has demonstrated that fire flows can be provided, staff recommends that this item be approved by the Planning Commission with the stipulation that upon submittal of a building permit, construction plans be submitted for review and approval clarifying the location and design of the proposed water main extension(s) in order to provide sufficient fire flows. Prior to issuance of a Certificate of Occupancy, the water main construction must be completed and easements secured as needed.**
- Sanitary sewer data must be submitted for review and approval confirming that the sanitary sewer capacity is adequate to meet estimated flows; (Update: May 2, 2012.) The applicant has submitted the necessary information. As such, this item has been addressed.
- Construction plans must be provided for all proposed public water and sanitary sewer mains. The red line comments provided by staff on the preliminary construction plans must be addressed and revised construction plans submitted for review and acceptance. The red line comments provided by staff on the proposed site plan must also be addressed and submitted for review and approval; (Update: May 2, 2012.) The applicant has submitted the necessary information. As such, this item has been addressed.

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- A Drainage Report must be submitted for review and approval addressing the post-construction site storm water runoff per the requirements of the Storm Water Quality Manual; (Update: May 2, 2012.) Based on a previously approved drainage plan for this property, it appears that the proposed drainage is acceptable. However, a detailed drainage report is required upon submittal of a Building Permit to ensure that the proposed discharge rate at the northwest corner of the property does not exceed pre-existing flows. The applicant should be aware that additional storm water quantity and quality control may be required when Lot 2 is developed in the future.
- Exhibit(s) as needed to secure utility easements for existing and/or proposed public water and sanitary sewer mains must be submitted for review and approval; (Update: May 2, 2012.) This requirement will not delay the approval of the Initial and Final Planned Unit Development application. However, prior to the City's acceptance of the public water and sewer improvements, the Exhibit(s) must be submitted as identified.
- ~~The property owner must enter into a developer's agreement with the City for the public water and sanitary sewer mains located on private property; (Update: May 2, 2012.) This stipulation is no longer necessary.~~
- An Erosion and Sediment Control Plan and Narrative as per Chapter 3 of the Rapid City Storm Water Quality Manual must be submitted for review and approval; (Update: May 2, 2012.) The applicant has submitted the necessary information. As such, this item has been addressed.
- A Parking and Access Agreement must be secured to allow shared ingress, egress and parking within all three phases of the development; (Update: May 2, 2012.) To date, the Parking and Access Agreement has not been submitted. Since the site plan could change if the agreement is not secure, this item must be addressed prior to consideration of the Initial and Final Planned Unit Development by the Planning Commission. **(Update: May 15, 2012.) The Parking and Access Agreement has been submitted. The City Attorney's Office is currently reviewing the document. Staff recommends that prior to issuance of a building permit, the Parking and Access Agreement be revised as needed to address the City Attorney's Office comments. In addition, the Parking and Access Agreement must be recorded and a copy of the recorded document submitted to the Community Planning & Development Services Department.**
- The applicant must identify how truck access is being provided to Lot 2. It appears that with the current proposed design, a truck may not be able to make the sharp right turn onto the access easement to access Lot 2. If a truck turning radius cannot be achieved, an alternate route is required for access to Lot 2. Please note that if a Parking and Access Agreement is secured, this requirement goes away; (Update: May 2, 2012.) If the Parking and Access Agreement is secured as noted above, this requirement goes away. To date, the agreement has not been submitted to the City for review and approval. **(Update: May 15, 2012.) As noted above, the Parking and Access Agreement has been submitted for review and is currently being reviewed by the**

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**City Attorney's Office.**

- Exceptions must be obtained to allow a 36 foot wide approach on Promise Road and Vineyard Lane, respectively, or the site plan must be revised to show a maximum 31 foot wide approach on Promise Road and a maximum 28 foot wide approach on Vineyard Lane. (Please note that the Street Design Criteria Manual allows a maximum 28 foot wide approach. An Exception has previously been granted to allow a 31 foot wide approach on Promise Road.); (Update: May 2, 2012.) The recently adopted Infrastructure Design Criteria Manual allows a maximum 40 foot wide approach. As such, this item has been resolved.
- Elevations for the proposed garage(s) must be submitted for review and approval identifying the dimensions, material and color of the structures; (Update: May 2, 2012.) The applicant has indicated that the garages will be constructed with similar design characteristics as the proposed apartments. However, to date, the garage elevations have not been submitted for review and approval. As such, prior to issuance of a building permit, the elevations for the proposed garage(s) must be submitted for review and approval.
- A sign package must be submitted for review and approval showing the location, illumination (if proposed), size, design, material and color for each sign; (Update: May 2, 2012.) The applicant has submitted a site plan showing the location of two monument signs. However, to date a sign package showing the elevations of the signs has not been submitted for review and approval. Prior to issuance of a Sign Permit, an elevation of the proposed signs identifying the size, design, material, lighting and color must be submitted for review and approval. The applicant should be aware that delaying this information until after Planning Commission approval of the Planned Unit Development may require a Major Amendment to the Planned Unit Development if the signage does not conform to the City's Sign Code Regulations. It is to the applicant's advantage to allow staff to review this information prior to Planning Commission approval in order to work through all of the issues and avoid a Major Amendment in the future.
- The site plan must be revised to show a fence or wall no less than 5 feet in height around the proposed swimming pool as per Chapter 17.50.320.B of the Rapid City Municipal Code. In addition, the elevations of the fence or wall must be submitted for review and approval showing dimensions, material and color; (Update: May 2, 2012.) The applicant has submitted a site plan showing a five foot fence to be constructed around the proposed swimming pool. However, a fence elevation showing the dimensions, material and color has not been submitted. As such, prior to issuance of a Building Permit, the additional fence design information must be submitted for review and approval.
- A clarification of the specific setback Exceptions that are being requested must be submitted or the site plan must be revised to show that all structures meet the setback requirement(s); (Update: May 2, 2012.) The applicant has submitted a site plan demonstrating that all setback requirements are being met.
- A revised Parking Plan showing the dimensions of the parking spaces and access aisles to ensure that each space measures a minimum of 9 feet by 18 feet and that each



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access aisle is a minimum of 26 feet in width. Any reductions or revisions to these dimensions will require that an Exception be requested and obtained to divert from the minimum design standards. The Parking Plan must also be revised to show two additional handicap parking spaces; and, (Update: May 2, 2012.) The applicant has submitted a revised parking plan demonstrating compliance with the City's Parking Regulations.

- The landscape plan must be revised to show the landscaping point calculation (the size of the lot minus the footprint of the structural development) in order to determine the required number of landscape points. (Update: May 2, 2012.) The applicant has submitted a revised landscape plan demonstrating compliance with the City's Landscape Regulations.

**The proposed development complies with the design standards set forth by Chapter 17.50.090 of the Rapid City Municipal Code. As such, staff recommends that the Initial and Final Planned Unit Development be approved with the stipulations as outlined above.**

**Notification:** The white slips and green cards from the certified mailing have been returned and the sign has been posted on the property. Staff has received one inquiry regarding this application as of this writing.