

STAFF REPORT  
May 24, 2012

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**No. 12PD018 - Initial and Final Commercial Development Plan**

**ITEM 6**

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GENERAL INFORMATION:

APPLICANT	President's Plaza, LLC
AGENT	Hani Shafai for Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 12PD018 - Initial and Final Commercial Development Plan</b>
EXISTING LEGAL DESCRIPTION	Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.29 acres
LOCATION	525 Saint Joseph Street
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	4/27/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. Prior to approval by Planning Commission, revised plans shall be submitted showing that the structure is located within all property lines, or a Vacation of Right-of-Way shall be obtained for all structures located in the right-of-way;
2. Prior to approval by Planning Commission, revised plans shall be submitted showing the location and elevations of the proposed canopy. The canopy shall meet all requirements of the Rapid City Building Code;
3. Prior to approval by Planning Commission, revised plans shall be submitted showing a minimum of ten handicap accessible parking spaces. A minimum of two of the proposed

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- handicap parking spaces shall be van accessible;
4. Prior to approval by Planning Commission, a Drainage Report shall be submitted for review and approval detailing revised calculations for the proposed storm sewer in the alley, calculations and modifications to drainage inlets along Sixth Street, calculations illustrating that the proposed drainage will not change existing drainage patterns, and design information regarding the proposed bioswale along Fifth Street;
  5. Prior to approval by Planning Commission, a revised Geotechnical Report shall be submitted for review and approval addressing the design and construction of the alley adjacent to the Planned Development to the south. The alley shall be constructed per the recommendations of the Geotechnical Report and in compliance with the Infrastructure Design Criteria Manual;
  6. Prior to approval by Planning Commission, a Water Infiltration Report shall be submitted for review and approval addressing the impacts of using porous pavers in lieu of concrete sidewalk on building foundations and adjacent streets;
  7. Prior to approval by Planning Commission, an analysis of anticipated water and fire flow demands of the Planned Development shall be submitted for review and approval showing that peak demands will not exceed the existing water main capacity or create water shortages for other users of the existing main;
  8. An Exception is hereby granted to increase the maximum allowable lot coverage to 94 percent in lieu of the maximum allowable 90 percent for a 15 story building;
  9. An Exception is hereby granted to reduce the width of parking stalls from 9 feet to 8 feet for those spaces encroached on by structural columns as shown on the site plans dated April 27, 2012;
  10. An Exception is hereby granted to reduce the required parking aisle width to 24 feet in lieu of the minimum required 26 foot parking aisle width;
  11. An Exception is hereby granted to allow 16 "compact" 7.5 feet wide by 18 feet deep parking spaces to be located in the parking facility in lieu of the standard 9 foot wide by 18 foot deep parking spaces. "Compact" parking spaces shall not be used for handicap accessible parking spaces;
  12. 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 shall be obtained prior to any surface disturbance of one acre or more;
  13. 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 redlined drawings. All redlined drawings shall be returned and signed and sealed final construction plans shall be submitted for review and approval;
  14. Prior to issuance of a Building Permit, the proposed Planned Development shall meet all the requirements of the State 11.1 Historic Review;
  15. Prior to issuance of a Building Permit, an Exception shall be obtained to allow a driveway to be located closer than 250 feet from an intersection or plans shall be revised showing that the access point has been removed. If an Exception from the design criteria is obtained, plans shall be submitted showing turning movements into and out of the driveway;
  16. Prior to issuance of a Building Permit, a pedestrian, utility and drainage easement for each Vacation shall be recorded with the Register of Deeds. A copy of the recorded easements shall be submitted to Community Planning and Development Services for review and approval.;

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17. All landscaping shall be installed and continually maintained in a live vegetative state and replaced in compliance with the City's adopted landscaping ordinance. Any changes to the landscaping plan which the Director of Community Planning and Development Services determines is consistent with the original approved landscaping plan shall be considered as a Minimal Amendment to the Planned Residential Development;
  18. All lighting on the property shall be directed so as to reflect away from all neighboring buildings and street right-of-ways;
  19. Prior to issuance of a Sign Permit, a revised sign package shall be submitted showing the square footage of signage for the Planned Development. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. 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 shall require a Major Amendment to the Planned Development. Changes to the Sign Package which the Director of Community Planning and Development Services determines are insignificant in nature shall be permitted as a Minimal Amendment to the Planned Development. All signage shall require review and approval through the Historic Sign Board. A Sign Permit shall be required for each sign;
  20. Prior to any improvements or alterations in the right-of-way, the applicant shall obtain a permit to work in the right-of-way;
  21. All applicable provisions of the International Fire Code shall be continually met;
  22. This Planned Commercial Development shall allow for the construction of a multi-use commercial and residential development consisting of retail, office, restaurant, hotel, condominiums, and a parking facility. Other uses permitted in the Central Business District shall be allowed. Any requests for on-sale alcohol use shall be considered as a Major Amendment to the Planned Commercial Development. Conditional uses allowed within the Central Business District shall require a Major Amendment to the Planned Commercial Development; and,
  23. All provisions of the Central Business District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment.

**GENERAL COMMENTS:** The applicant has submitted an Initial and Final Planned Development to allow the construction of a mixed use commercial and residential development and parking garage with approximately 490 parking spaces in a 15 story building. The development known as President's Plaza will comprise of retail, restaurant and office spaces, a 7 story parking facility, a hotel with approximately 100 rooms, and approximately 30 condominiums.

Three associated Vacation of Right-of-Way requests have also been submitted to vacate portions of right-of-way located along Sixth, Fifth, and Saint Joseph Streets (Files #12VR002, #12VR003 and #12VR004, respectively).

The applicant has also submitted requests to create a Tax Increment District and Project Plan (Files #12TI003 and #12TI004, respectively) to create a Tax Increment Financing District for the property to be considered as a part of this Planned Development. The requests are set to be considered by City Council on May 21, 2012.

The property is located on the northern half of Block 95 in the Original Township of Rapid City, in the central part of the City. The property is bordered by Sixth Street on the west,

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Saint Joseph Street on the north, Fifth Street on the east, and alley right-of-way on the south. Currently, the property is developed as a parking lot.

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

Site Plan: The submitted plans show that portions of structure are located in the right-of-way. No structures or portions of structures, regardless of elevation above grade, may be located in the public right-of-way. As such, prior to approval by Planning Commission, revised plans must be submitted showing the proposed structure is located within all property lines, or a Vacation of Right-of-Way must be approved for those portions of proposed structure located in the public right-of-way.

Plans show that a permanent canopy is being proposed on the west side of the structure. Rapid City Municipal Code Chapter 17.50.250 allows awnings or canopies to occupy the public right-of-way as provided by the currently adopted provisions of the International Building Code. The applicant has requested an Exception to the Rapid City Zoning Ordinance to allow the canopy to extend 8 inches past the 2/3 distance of the sidewalk permitted by the International Building Code. The submitted plans do not show the location of the property line, the width of the sidewalk, and the limits of the proposed canopy in relation to the sidewalk and building. The request for an Exception cannot be considered without plans showing the proposed location of the canopy. As such, prior to Planning Commission approval, revised plans must be submitted showing the proposed location of the canopy in compliance with Rapid City Building Code.

Uses: The proposed Planned Development is located in the Central Business District. The Planned Development includes a mix of retail, restaurant, and office spaces located on the first floor of the structure. Retail, restaurant, and office spaces are permitted uses in the Central Business District. Plans show that uses above the ground floor will be a mix of parking, office space, hotel, and condominiums. Residences, hotels, and multi-level parking facilities are permitted uses Central Business District. Rapid City Municipal Code Chapter 17.50.270.A.3 states that a multilevel parking facility must be approved through a Planned Development. The applicant should be aware that the addition of on-sale alcohol use in the Planned Development shall 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 redlined drawings. All redlined drawings must be returned and signed and sealed final construction plans must be submitted for review and approval.

Architecture and Design: The proposed structure includes a 15 story tall tower on the western side of the development which will house the proposed hotel and dwelling units. The tower

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has a maximum building height of 186 feet 6 inches. The central portions of the development will house retail space on the ground floor and a parking facility on floors 2 through 7. Portions of Level 7 will also be used as conference and meeting space through the hotel. Level 8 will comprise of an amenity deck and sustainable green space including landscaping and outdoor meeting areas. The maximum height of the central part of the structure is 82 feet. The eastern portions of the structure will house office and retail space and will be a maximum height of 69 feet 4 inches. The regulations for the Central Business District do not limit building height, however Rapid City Municipal Code Chapter 17.16.050 states that the maximum lot coverage for a 15 story tall structure in the Central Business District is 90 percent. Based on the submitted plans, the proposed structure has maximum lot coverage of 93.3 percent. The applicant has requested an Exception to increase the maximum lot coverage to 94 percent, rather than the maximum allowable 90 percent. Properties in the area to the north and west of the proposed structure are developed with 100 percent lot coverage with zero-foot setbacks, but are less than 15 stories tall. The requested Exception will allow the structure to maintain the zero-setback character of development in the Central Business District, while maintaining the desired height and design of the structure. As such, staff recommends the request to increase the maximum lot coverage to 94 percent in lieu of the maximum allowable 90 percent coverage for a 15 story building be granted.

Parking: Properties in the Central Business District are not required to provide off-street parking. However, if off-street parking is to be provided, then all parking must comply with the Americans with Disabilities Act. The proposed parking facility will be comprised of 490 parking spaces located on levels 2 through 7 of the structure. For the number of parking spaces being proposed on the property, Rapid City Parking Ordinance requires a minimum of 9 handicap accessible parking spaces be provided. A minimum of 2 of the proposed handicap accessible parking spaces must be van-accessible. The submitted plans show a total of 10 handicap accessible parking spaces proposed, however, it appears that a structural column is located in the middle of several proposed spaces. The columns would prevent the parking spaces to be used by a standard-sized vehicle. Proposed spaces with structures located in them may not be considered parking spaces. As such, prior to issuance of a Building Permit, revised plans must be submitted showing the required number of unimpeded handicap accessible parking spaces. The proposed parking facility includes several structural columns located on the wheel-stop end of several parking spaces. The columns are centered on the parking stripe between two parking spaces, and will reduce the size of the parking spaces to approximately 8 feet wide. The columns have been placed internally as a space-saving measure and are located approximately every 3 spaces. The applicant has indicated that in no instance would a column located on the corner of a parking space encroach more than one foot. In addition, the proposed columns will not be located in areas where vehicle doors may open. The columns are required for structural support of the facility. Removing the structural columns outside of all parking would dramatically alter the design and architecture of the building. As such, staff recommends the Exception to reduce the width of parking spaces to 8 feet wide rather than the minimum required 9 feet wide for all parking spaces with structural columns be approved as shown in the site plans dated April 27, 2012.

The applicant has proposed a 24 foot wide parking aisle throughout the parking facility. Rapid City Municipal Code Chapter 17.50.270.F requires a minimum 26 foot parking aisle

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width for 90 degree parking spaces and a 2 way parking aisle. The applicant has requested an Exception allowing a 24 foot wide parking aisle. The existing parking garage located between Fifth and Sixth Streets and north of Main Street, was approved and constructed with a 24 foot wide parking aisle. The Public Works Department has indicated they support the reduction in the parking aisle width. As such, staff recommends the Exception to reduce the required parking aisle width to 24 feet in lieu of the minimum required 26 feet be approved.

Submitted plans show that a total of 16 parking spaces in the facility are being classified as "compact" spaces. The dimensions of the proposed compact spaces will in no instance be smaller than 7 feet 6 inches wide by 18 feet deep. The Rapid City Parking Ordinance requires a standard parking space to be 9 feet wide by 18 feet deep. The applicant has requested an Exception to allow compact spaces to be constructed as a part of this parking facility with a stall width of 7 feet 6 inches wide. Compact spaces are used to maximize the number of usable parking spaces within the facility. Businesses in the Central Business District are not required to provide off-street parking, however, if parking is being proposed, it must meet the requirements of the Rapid City Parking Ordinance. The proposed parking facility will provide additional publicly available parking for the downtown area. Compact spaces are a common request in a parking facility of this type in order to maximize the number of spaces that may be provided for public use. As such, staff recommends the Exception to allow 16 "compact" spaces with a stall width of 7 feet 6 inches in lieu of the standardized 9 foot wide parking spaces in the proposed parking facility be approved.

Landscaping: The submitted plans show that a minimum of 7,500 landscaping points will be installed on the seventh and eight floors of the proposed structure as a part of the amenity deck and conference center proposed with the hotel. Landscaping is not required in the Central Business District, however, if landscaping is provided, it must be installed and continually maintained in a live vegetative state and replaced in compliance with the City's adopted landscaping ordinance. 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.

Lighting: The applicant's site plan includes a photometric plan identifying all outdoor lighting for the property. Rapid City Municipal Code Chapter 17.50.310 states that lighting of all types must 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.

Signage: Submitted plans show the location and dimension of all signage proposed for the Planned Development. Rapid City Sign Code states that wall signage located in the Original Township will be limited to 1.5 square feet of signage for the first 25 feet of lot frontage on a public street and .5 square feet of signage for the remaining lot frontage on a public street. From the submitted plans, it appears that the square footage of proposed signage exceeds the maximum allowable square footage for the property. As such, prior to issuance of a Sign Permit, a revised sign package must be submitted showing the permitted square footage of signage for the Planned Development. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. 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

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will require a Major Amendment to the Planned Development. Changes to the Sign Package which the Director of Community Planning and Development Services determines are insignificant in nature may be permitted as a Minimal Amendment to the Planned Development. All signage must be approved through the Historic Sign Board. A Sign Permit is required for each sign. The lighting for all signage shall be designed to preclude shining on the adjacent properties and/or street(s).

Driveways: Submitted plans show that the parking facility will be accessed by a drive through located approximately 120 feet west of the intersection of Fifth Street and Saint Joseph Street. The proposed drive through will connect Saint Joseph Street to the north with the alley to the south of the proposed Planned Development. Rapid City standard specifications require that a driveway accessing a principal arterial street be a minimum of 250 feet from all intersections. In addition, plans for the proposed drive through do not include specifications regarding turning movements for the proposed access points. As such, prior to issuance of a Building Permit, an Exception must be obtained to reduce the distance between a driveway and an intersection, or revised plans must be submitted showing that the access point has been removed. If the Exception from the design criteria is granted, plans must be submitted showing the required turning movements for access from Saint Joseph Street and into the alley adjacent to the Planned Development to the south.

Sidewalks: The applicant has submitted three associated Vacation of Right-of-Way requests to vacate portions of the right-of-way located adjacent to the Planned Development on, Sixth Street, Fifth Street and Saint Joseph Street (File #12VR002, #12VR003, and #12VR004, respectively). The Vacation of Right-of-Way requests to vacate portions of Fifth Street and Saint Joseph Street (Files #12VR003 and #12VR004) will vacate one foot of right-of-way and 3.5 feet of right-of-way, respectively. A minimum 5 foot wide pedestrian access aisle must be maintained on all sidewalks. The sidewalks located on Fifth Street and Saint Joseph Street are both currently 15 feet wide. The proposed Vacation would create a 14 foot wide sidewalk on Fifth Street and a 11.5 foot wide sidewalk on Saint Joseph Street. The Vacation request on Sixth Street (File #12VR002) will create an interior sidewalk rather than the required property-line sidewalk. All affected utility companies have indicated their concurrence with the proposed Vacations if utility easements are retained in the area of the Vacation. As such, prior to issuance of a Building Permit, a pedestrian, utility and drainage easement for each Vacation must be recorded with the Register of Deeds. A copy of the recorded easements must be submitted to Community Planning and Development Services for review and approval.

Geotechnical Report/ Water Filtration Report: The Public Works Department has noted several items related to drainage, utilities, and design of the site that must be addressed prior to Planning Commission approval. Prior to issuance of a Building Permit, final signed and sealed construction plans and engineering reports must be submitted to Community Planning and Development Services.

Prior to Planning Commission approval, a revised Geotechnical Report which includes designs for the pavement in the alley adjacent to the development to the south must be submitted for review and approval.

Prior to Planning Commission approval, a report detailing the impact of water filtration on

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streets and foundations for the proposed porous pavers must be submitted for review and approval.

Drainage: Prior to Planning Commission approval, a revised Drainage Report must be submitted for review and approval showing revised calculations for the proposed storm sewer in the alley, calculation and modifications to drainage inlets along Sixth Street, calculations illustrating that the proposed drainage will not change existing drainage patterns, and design information regarding the proposed bioswale along Fifth Street.

Utilities: The proposed Planned Development will be serviced by City sewer and water. Public Works staff has noted that a report detailing domestic and fire flow requirements for the proposed Planned Development must be submitted to determine that the 8 inch water main located in Sixth Street has adequate capacity to meet the water needs of the Development. The report must confirm that peak demands do not negatively impact other users serviced by the water line.

Fire Department Requirements: To date, the applicant has met all minimum requirements set forth by the International Fire Code. As the project proceeds, the applicant must continue to cooperate with the Rapid City Fire Department to ensure all applicable provisions of the International Fire Code continue to be met.

Right-of-Way Improvements: Submitted plans show improvements being proposed adjacent to the Planned Development located on Fifth Street, Sixth Street, and Saint Joseph Street. Prior to any improvements or alterations in the right-of-way, the applicant must obtain a permit to work in the right-of-way.

Historic Review: The proposed Planned Development is located in a Historic District. As such, prior to issuance of a Building Permit, the proposed Planned Development must meet all the requirements of the State 11.1 Historic Review.

Summary: The proposed Planned Commercial Development complies with the design standards set forth by Chapter 17.50.060 of the Rapid City Municipal Code. As such, staff recommends that the Initial and Final Planned Commercial Development be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the required notification sign has been posted on the property. The green cards and white receipts from the required certified mailing have not been returned to Community Planning and Development Services. Staff will notify the Planning Commission at the May 24, 2012 Planning Commission meeting if the notification requirements have not been met. As of this writing, there has been one public comment in support of the proposed Planned Development.