

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Destination Rapid City
AGENT	Wyss Associates, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of the Rapid City Greenway Tract located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.46 acres
LOCATION	North of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park
EXISTING ZONING	Flood Hazard District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District - Light Industrial District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	August 10, 2012
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District be approved with the following stipulations:

1. Prior to approval by Planning Commission, final construction plans signed and stamped by a registered engineer shall be submitted to Community Planning and Development Services for review and approval. All work shall be completed in accordance with the City Infrastructure Design Criteria Manual and Standard Specification requirements, and all work shall be warranted for two years after acceptance by the City;

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

2. Prior to approval by Planning Commission, the applicant shall submit proof of concurrence for the project plans to Community Planning from all private utility companies, the City Parks and Recreation Department, and the Rapid City Civic Center;
3. Prior to approval by Planning Commission, a Flood Plain Development Permit shall be obtained. A copy shall be submitted to Community Planning and Development Services;
4. A building permit shall be obtained prior to any construction. An air quality construction permit shall be obtained prior to any disturbance of earth greater than one acre;
5. Prior to issuance of a building permit, all redline comments shall be addressed. All Redline comments shall be returned to Community Planning and Development Services;
6. Prior to issuance of a building permit, the existing agreement between the South Dakota Department of Transportation and the City of Rapid City regarding the Sixth Street intersection shall be amended to reflect the proposed changes to the design of the pedestrian crossing. A signed copy of the agreement shall be submitted to Community Planning and Development Services;
7. Prior to issuance of a building permit, a phasing plan or other means of ensuring continuous pedestrian/bicycle access shall be submitted to Community Planning and Development services for review and approval;
8. Prior to issuance of a building permit, plans shall be submitted to Community Planning and Development Services showing the extension and connection of water services for the proposed irrigation systems;
9. Prior to final inspection, the applicant shall provide temporary and permanent erosion and sediment control and verify adequate post-construction water treatment is provided and in compliance with the City's Stormwater Quality Manual.
10. The proposed landscaping shall match the landscaping plan submitted as a part of this Conditional Use Permit request. Changes to the proposed landscaping which the Director of Community Planning and Development Services determines are consistent with the original approved landscaping plan shall be permitted as a Minimal Amendment to the Conditional Use Permit;
11. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved as a part of this Conditional Use Permit. Signage that does not comply with Chapter 15.28 of the Rapid City Municipal Code and any electronic signage shall require a Major Amendment to the Conditional Use Permit. All lighting for signage shall be designed to preclude shining on adjacent properties and/or street(s). A sign permit shall be obtained for each sign.
12. The proposed lighting shall be constructed as shown in the approved plans. Any changes to the design of the lighting which the Director of Community Planning and Development Services determines are consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit. All lighting must be designed to preclude shining on adjacent properties and/or street(s);
13. This Conditional Use Permit shall allow for a pedestrian and bicycle walkway with landscaping, lighting, public seating, planters, trash receptacles, bollards, educational signage and bicycle racks to be constructed in a portion of the Flood Hazard District known as Memorial Park. Any additional conditional uses proposed for the property shall require a Major Amendment to the Conditional Use Permit; and,
14. All provisions of the Flood Hazard District shall be met unless specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment.

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

GENERAL COMMENTS: (Update, October 4, 2012. All updated/revised text shown in bold.) This item was continued at the September 20, 2012 Planning Commission meeting to allow the applicant to work with the City to meet several stipulations prior to Planning Commission approval. Stipulations #2 and #3 have been met and copies of the required Flood Plain Development Permit and concurrence letters from all utilities have been placed in the file. Stipulation #1 requires the applicant to submit stamped and signed final construction plans for review and approval. As of this writing, the Public Works Department has not approved the submitted final plans. Staff will inform the Planning Commission at the October 4, 2012 Planning Commission if the stipulation has not been met.

(Update, September 20, 2012. All updated/revised text shown in bold.) This item was continued at the September 6, 2012 Planning Commission meeting to allow the applicant to work with the City to meet several stipulations prior to Planning Commission approval. Stipulations #1 through #3 require the applicant to obtain a Flood Plain Development Permit, submit stamped and signed final construction plans, and submit concurrence letters from all utilities. As of this writing, the required information has not been submitted. Staff will inform the Planning Commission at the September 20, 2012 Planning Commission if these stipulations have not been met.

Destination Rapid City has submitted a request to install structures in the Flood Hazard District as a part of the proposed Memorial Park Promenade. Public and private recreational area, including a bicycle and pedestrian trail, are a permitted use in the Flood Hazard District or a conditional use if structures are involved. The proposed Promenade project will connect downtown Rapid City the Rapid City Civic Center via a landscaped walkway stretching from the intersection of Sixth Street and Omaha Street across Memorial Park and Rapid Creek. The applicant has indicated that they will occasionally be applying for special event permits to allow vending carts and other events to be located along the proposed walkway. The proposed design of the Promenade will include planters, educational signage, waste receptacles, bicycle racks, lighting, bollards, public art, and a variety of seating for public use. As such, the applicant has submitted a Conditional Use Permit to allow structures in the Flood Hazard District.

The property is located between Omaha Street to the south and the Rapid City Civic Center to the north, and between Fifth Street to the east and Mount Rushmore Road to the west. The property is currently developed as a part of the park and trail system in the Rapid City Greenway Tracts.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit to allow structures in the Flood Hazard District according to the requirements of Section 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

Criteria for Review: In reviewing applications for a conditional use permit, due consideration must be given to the following:

The location, character, and natural features of the property;

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

The proposed Promenade is located between Omaha Street and the Rapid City Civic Center, just north of downtown Rapid City. The property is a part of the Rapid City Greenway Tracts adjacent to Rapid Creek, and is part of Memorial Park. Rapid Creek runs from west to east through the property, and is currently crossed by a pedestrian and bicycle bridge. Memorial Pond is located immediately west of the proposed walkway. The property is located in the Flood Hazard District. As such, prior to approval by Planning Commission, a Flood Plain Development Permit must be obtained and a copy must be submitted to Community Planning and Development Services.

The location, character, and design of adjacent buildings;

The Rapid City Civic Center borders the proposed walkway on the north. The City band shell is located on the east side of the walkway, immediately south of the Civic Center. There are no other buildings adjacent to the proposed Promenade. The Promenade project is designed to connect the Civic Center campus to downtown Rapid City.

Proposed fencing, screening, and landscaping;

Several trees are being proposed for removal or relocation in order to accommodate construction and the location of the finished walkway, however, the proposed Promenade will be fully landscaped and all landscaping points proposed for removal will be replaced. The Promenade consists of two 12 foot wide paths on either side of intermittent landscaping islands placed at grade with the proposed sidewalk. Each 12 foot sidewalk will be connected to the other between the landscaping islands. There is no screening or fencing being proposed as a part of the project. Staff recommends that the proposed landscaping match the landscaping plan submitted as a part of this Conditional Use Permit request. Changes to the proposed landscaping which the Director of Community Planning and Development Services determines are consistent with the original approved landscaping plan may be permitted as a Minimal Amendment to the Conditional Use Permit.

Proposed vegetation, topography, and natural drainage;

Public Works staff has noted that grading improvements being proposed for the site do not appear to significantly impact drainage or existing contours. Prior to final inspection, the applicant must provide temporary and permanent erosion and sediment control and verify adequate post-construction water treatment is provided and in compliance with the City's Stormwater Quality Manual.

Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;

The proposed Promenade will not be open to vehicular traffic and does not require parking, however, it should be noted that the design of the Promenade will allow access by the Rapid City Police Department and the Rapid City Parks and Recreation Department for maintenance and emergency access. Plans show the walkway will be handicap accessible. Bicycle racks are being proposed as part of the proposed structures to be located in the Flood Hazard District. The walkway is connected to the trail system for the Rapid City

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

Greenway Tracts. Transportation Planning staff has noted support of a more direct non-motorized corridor between the downtown and the Rapid City Civic Center. Staff has noted that submitted plans do not show how continuous pedestrian and bicycle access will be maintained during the construction of the proposed walkway. As such, prior to issuance of a building permit, a phasing plan or other means of ensuring continuous pedestrian/bicycle access must be submitted to Community Planning and Development Services for review and approval.

The proposed Promenade will connect to downtown Rapid City via a crossing at the intersection of Sixth Street and Omaha Street. Omaha Street is also South Dakota Highway 44. Currently, the intersection includes one pedestrian crossing located on the west side of the intersection. Submitted plans show a proposed pedestrian crossing located on the east side of the intersection as well. Both crossings are proposed for the eastbound lanes of traffic only. The crossings will converge in the median and proceed across the westbound lanes at one point. Prior to issuance of a building permit, the existing agreement between the South Dakota Department of Transportation and the City of Rapid City regarding the Sixth Street intersection shall be amended to reflect the proposed changes to the design of the pedestrian crossing. A signed copy of the agreement shall be submitted to Community Planning and Development Services. Staff notes that an amendment to the agreement was heard before the Public Works Committee on August 28, 2012. The Public Works Committee recommendation was to approve the amended agreement. The item will be heard at City Council on September 4, 2012.

Existing traffic and traffic generated by the proposed use;

The proposed Promenade is intended for use by pedestrians and bicycle traffic only. As such, the existing vehicular traffic and traffic generated by the proposed use should be minimal.

Proposed signs and lighting;

Submitted plans show proposed educational signage to be proposed at various points along the walkway describing events such as the 1972 Rapid Creek Flood and other points of interest along the path. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. No electronic signage is being approved as a part of this Conditional Use Permit. Signage that does not comply with Chapter 15.28 of the Rapid City Municipal Code and any electronic signage will require a Major Amendment to the Conditional Use Permit. All lighting for signage must be designed to preclude shining on adjacent properties and/or street(s). A sign permit must be obtained for each sign.

Submitted plans show that the proposed Promenade will be lit in the evenings by pole lighting as well as solar-powered lighting installed in proposed bollards. Staff recommends that the lighting be constructed as shown on the submitted plans. Any changes to the design of the lighting which the Director of Community Planning and Development Services determines are consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit. All lighting must be designed to preclude shining on adjacent properties and/or street(s).

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

The availability of public utilities and services;

The property is serviced by Rapid City water and sewer. Public Works staff has noted that it appears the only water supply requirements are for irrigation purposes. Existing irrigation and electrical systems which will be disturbed by proposed improvements must be replaced or repaired. Prior to issuance of a building permit, plans must be submitted showing the extension and connection of water services for the proposed irrigation systems.

Public Works staff has also noted numerous conflicts between proposed foundations and existing utilities. As such, prior to approval by Planning Commission, the applicant must submit proof of concurrence for the project plans to Community Planning from all private utility companies, the City Parks and Recreation Department, and the Rapid City Civic Center. All potential underground utility conflicts must be addressed. In addition, prior to approval by Planning Commission, final construction plans signed and sealed by a registered engineer must be submitted to Community Planning. The City and Destination Rapid City entered into an agreement for the construction and development of the Memorial Park Promenade on August 2, 2012. Per the agreement all work must be completed in accordance with the City Infrastructure Design Criteria Manual and Standard Specification requirements, and all work must be warranted for two years after acceptance by the City.

The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;

The Future Land Use Plan designates this property as flood hazard. The property is currently developed as a part of the City Parks and trail system. The Flood Hazard District does permit development with structures as a conditional use. The proposed walkway will replace portions of the City pedestrian and bicycle trail system and proposed structures will serve as amenities for the Parks and trail system. The requested Conditional Use Permit complies with the objectives of the adopted comprehensive plan.

The overall density, yard, height, and other requirements of the zone in which it is located;

The requested Conditional Use Permit does not include any structures which require parking to be provided. The Promenade project will serve as a pedestrian corridor in a similar fashion as a sidewalk, and as such, does not have setbacks, density, or height requirements. In addition, Rapid City Municipal Code Chapter 17.28 regarding the Flood Hazard District does not include land area regulations for height, setbacks, or density.

The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;

An Air Quality Construction Permit must be obtained prior to disturbance of one acre or more of earth. Temporary and/or permanent site stabilization must be achieved prior to project completion. The property is not adjacent to, nor does it abut a residential district.

The degree to which conditions imposed will mitigate any probable adverse impacts of the

STAFF REPORT
October 4, 2012

No. 12UR018 - Conditional Use Permit to allow structures for the Memorial Park Promenade in the Flood Hazard District **ITEM 9**

proposed use on existing adjacent uses;

The stipulations of approval for this Conditional Use Permit will serve as a tool to ensure that potential adverse impacts of the proposed improvements will be mitigated. Adjacent uses to the property are commercial or a part of the Rapid City Parks system. The site is sufficiently buffered from adjacent uses. As such, staff recommends that the Conditional Use Permit to allow structures in the Flood Hazard District be approved with the stipulations noted above.

Notification Requirements: The required notification sign has been posted on the property. As of this writing, the green cards and white receipts from the certified mailing **have been** returned to Community Planning and Development Services. **As of this writing, there has been one inquiry into the proposed Conditional Use Permit.**