

STAFF REPORT  
October 25, 2012

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**No. 12PD032 - Major Amendment to a Planned Development to Construct Additional Apartments with Additional Parking**

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**ITEM 13**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Hani Shafai - Technology Housing, LLC
PROPERTY OWNER	Technology Housing, LLC
REQUEST	<b>No. 12PD032 - Major Amendment to a Planned Development to Construct Additional Apartments with Additional Parking</b>
EXISTING LEGAL DESCRIPTION	Lots 1 through 16 and the North ½ of the Vacated Alley Adjacent to Lots 1 through 16 of Block 3, Lots 4, 5 and the East ½ of Lot 6 of Block 4 of Denman's Addition, and Lots 30 through 32 of Block 2 of Park Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.28 acres
LOCATION	South of East Saint Joseph Street between Elm Avenue and Birch Avenue
EXISTING ZONING	High Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Residential and Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	High Density Residential District (Planned Development)
East:	Park Forest District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	September 21, 2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to construct additional apartments with additional parking be approved with the following stipulations:

1. An Exception is hereby granted to reduce the required front yard setback from 35 feet to 10 feet along East Saint Joseph Street;

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2. An Exception is hereby granted to reduce the required side yard setback that abuts a public right-of-way from 35 feet to 10 feet along Elm Avenue;
3. An Exception is hereby granted to reduce the required rear yard setback from 30 feet to 19.48 feet;
4. An Exception is hereby granted to decrease the minimum required open space of 300 square feet per apartment to 30 square feet per apartment;
5. An Exception is hereby granted to reduce the required side yard setback for a parking lot that abuts a residential lot from 12 feet to one foot;
6. An Exception is hereby granted to waive the screening requirement for a commercial district that is adjacent to a residential district;
7. An Exception is hereby granted to reduce the minimum parking aisle width from 26 feet to 24 feet;
8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
9. Prior to issuance of a building permit, the site plan shall be revised to include curbs or curb stops on the east side of the north parking lot;
10. Prior to issuance of a building permit, signed and sealed design calculations shall be submitted by a professional engineer for the existing retaining wall adjacent to the west parking lot;
11. Prior to issuance of a building permit, the applicant shall record an access easement to allow the City access to a water service valve on private property;
12. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
13. Prior to issuance of a certificate of occupancy, the alley approaches from Elm Avenue and Birch Avenue shall be closed and curb and gutter installed;
14. Fugitive erosion and air quality prevention measures shall be in place at all times during construction;
15. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
16. The approved air quality permit shall be renewed as needed;
17. A minimum of 128 parking spaces shall be provided on all three sites for the proposed apartment complex. In addition, five of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
18. A minimum of 52,299 landscaping points shall be provided for the apartment building site. A minimum of 10,956 landscaping points shall be provided for the north parking lot. A minimum of 9,029 landscaping points shall be provided for the west parking lot. 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;
19. Prior to issuance of a sign permit, a revised sign package shall be submitted showing that the Phase I ground sign is in compliance with the Sign Code or the applicant shall obtain a Variance from Chapter 15.29.020 of the Rapid City Municipal Code to reduce the minimum 10 foot setback requirement. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this major Amendment to a Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent

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- with the original approved sign package, shall be allowed as a Minimal Amendment to the Major Amendment to a Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned 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 the proposed signs;
20. 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;
  21. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment;
  22. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  23. The Major Amendment to a Planned Development shall allow for a six story apartment building with additional parking. Any change in use that is a permitted use in the High Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Development to construct a second apartment building on the property with additional parking. In particular, the applicant is proposing to construct Phase II of the Rocker Square apartments with additional parking located on lots to the north and west of the apartment building site. The apartment building will be six stories in height and include 51 apartment units.

The applicant is also requesting exceptions the following Exceptions to Chapters 17.14, 17.18.080 and 17.50.270 of the Rapid City Municipal Code:

- An Exception to reduce the required front yard setback from 35 feet to 10 feet along East Saint Joseph Street;
- An Exception to reduce the required side yard setback that abuts a public right-of-way from 35 feet to 10 feet along Elm Avenue;
- An Exception to reduce the required rear yard setback from 30 feet to 19.48 feet;
- An Exception to decrease the minimum required open space of 300 square feet per apartment to 30 square feet per apartment;
- An Exception to reduce the minimum side yard setback for a parking lot that abuts a residential lot from 12 feet to one foot;
- An Exception to waive the screening requirement for a commercial district that is adjacent to a residential district; and,
- An Exception to reduce the minimum parking aisle width from 26 feet to 24 feet.

On February 6, 2012, the City Council approved a Comprehensive Plan Amendment (File # 11CA018) changing the future land use designation from Commercial to Residential and a Rezoning request (File# 11RZ029) to change the zoning designation from General

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Commercial District to High Density Residential District.

On February 9, 2012, the Planning Commission approved an Initial Residential Development Plan (File #12PD001) allowing first floor commercial use to serve the residents, a reduction in the required minimum front yard setback of 35 feet to 10 feet along Saint Joseph Street and along Birch Avenue, a reduction in the required rear yard setback from 30 feet to five feet, an increase in the permitted lot coverage from 25% to 31% and a decrease in the minimum required open space of 300 square feet per apartment to 130 square feet per apartment.

On March 22, 2012, the Planning Commission approved a Final Residential Development Plan (File #12PD012) to construct Phase I of the Rocker Square apartment complex which included a six story apartment building with first floor commercial use to serve the on-site residents.

On July 2, 2012, the City Council approved a Vacation of Right-of-Way request (File #12VR005) for the alley located south of East Saint Joseph Street and north of Kansas City Street between Elm Avenue and Birch Avenue.

The properties are located on the south side of East Saint Joseph Street between Elm Avenue and Birch Avenue just west of the South Dakota School of Mines and Technology. The north parking area is located in the northwest corner of the intersection of East Saint Joseph Street and Birch Avenue. The west parking area is located on the south side of East Saint Joseph Street approximately 75 feet west of the intersection of East Saint Joseph Street and Elm Avenue. Currently, a six story apartment building is located on Lots 1 through 16 of Block 3 of Denman's Subdivision. The proposed north and west parking areas are currently undeveloped.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The applicant is proposing to construct Phase II of the Rocker Square Apartments with additional parking located off-site. The additional off-site parking is needed to meet the minimum required parking for 85 apartment units. The apartments are proposed to be located on a lot that is approximately 60,100 square feet in size. The north and west parking lots are approximately 10,500 square feet and 8,700 square feet in size respectively.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The applicant has submitted the Rocker Square apartment complex as a Planned Development in order to maximize the use of the site to provide additional housing

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adjacent to the South Dakota School of Mines and Technology. The proposed housing meets a need in the area that would otherwise go unmet.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The applicant is requesting exceptions to the area regulations as per Chapters 17.14 and 17.18.080 of the Rapid City Municipal Code. In addition, the applicant is requesting exceptions to the parking regulations as per Chapter 17.50.270 of the Rapid City Municipal Code. In particular, the applicant is requesting a reduction in the required front yard setback of 35 feet to 10 feet along Saint Joseph Street, a reduction in the required front yard setback of 35 feet to 10 feet along Elm Avenue, a reduction in the required rear yard setback from 30 feet to 19.48 feet and a decrease in the minimum required open space of 300 square per apartment to 30 square feet per apartment. These exceptions are required for the proposed six story apartment structure. The applicant is also requesting exceptions for the west parking lot which is zoned General Commercial District. In particular, the applicant is requesting a reduction in the side yard setback for a parking lot that abuts a residential lot, a reduction in the minimum parking aisle width from 26 feet to 24 feet and to waive the requirement to provide a screening fence when a General Commercial District is located adjacent to a residential district.

Chapter 17.14.040 of the Rapid City Municipal Code requires minimum front, side and rear yard setbacks. The existing right-of-way accommodates the street design and provides adequate pedestrian access that is in compliance with the design standards as per the Infrastructure Design Criteria Manual. The property is bordered to the north and west by right-of-way. In addition, the applicant previously vacated the alley between Elm Avenue and Birch Avenue and is proposing to construct a bike path and sidewalk. The proposed reductions in setbacks do not appear to have a negative impact on adjacent properties. As such, staff recommends that an exception be granted to allow a reduction in the required minimum front yard setback of 35 feet to 10 feet along Saint Joseph Street, a reduction in the required minimum front yard setback of 35 feet to 10 feet along Elm Avenue and a reduction in the required rear yard setback from 30 feet to 19.48 feet.

Chapter 17.14.050 of the Rapid City Municipal Code requires a minimum 300 square feet of usable open space per apartment unit. The applicant is requesting a decrease in amount of usable open space from 300 square feet per unit to 30 square feet per unit. Previously, the Planning Commission approved a reduction in the amount of usable open space per unit from 300 square feet to 130 square feet per unit. The applicant has stated that the proposed development will include approximately 2,700 square feet of shared common areas including a meeting room, patio and grass lawns. In addition, the applicant is proposing to construct a bike path and sidewalk along the south side of the apartment building site to improve circulation to the South Dakota School of Mines and Technology contiguous to the east of the subject property which has large open space and recreation facilities. Based on these reasons, staff recommends that an exception be granted to allow a decrease in the minimum required open space of 300 square feet per apartment to 30 square feet per apartment.

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Chapter 17.18.080 of the Rapid City Municipal Code requires that properties zoned General Commercial District provide an opaque ornamental screening fence not less than five feet in height along property lines adjacent to residential districts. The west parking lot is zoned General Commercial District and the property located to the south is zoned High Density Residential District. The applicant is proposing to construct a parking lot to provide additional parking for the proposed apartments. The applicant is proposing to use the alley as secondary access to the parking lot. The alley provides a separation from the residential district to the south and the layout of the parking lot minimizes the potential for headlights shining on the residential property. As such, staff recommends that an exception be granted to waive the screening requirement for a commercial district that is adjacent to a residential district.

Chapter 17.50.270 of the Rapid City Municipal Code requires that multiple-family or commercial parking areas on a lot that abuts a single-family residential lot along a side lot line shall be set back a distance of not less than 12 feet and that parking lots aisles have a minimum width of 26 feet. The applicant is requesting to reduce the minimum required side yard setback from 12 feet to one foot and a reduction in minimum required parking aisle width from 26 feet to 24 feet. The applicant is proposing to provide a six foot screening fence along the west property line that abuts a residential lot. The property is zoned General Commercial District but the use is residential. The proposed screening fence will provide the separation which is the purpose of the required 12 foot side yard setback. In addition, the applicant has stated that the parking will be assigned to residents of the apartments and will not be open to the public. The site plan shows that the proposed parking spaces provide a 16 foot stall depth with a two foot overhang which should prevent vehicles from encroaching in the 24 foot aisle. As such, staff recommends that the exceptions be granted to reduce the minimum side yard setback for a parking lot that abuts a residential lot from 12 feet to one foot and to reduce the minimum parking aisle width from 26 feet to 24 feet.

All provisions of the High Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment. The Major Amendment to a Planned Development will allow for a six story apartment building with additional parking. Any change in use that is a permitted use in the High Density Residential District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

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The applicant is proposing to provide additional off-site parking to meet resident needs and has included the north and west parking lots in this application. The applicant is proposing to provide a six foot screening fence along the west property line of the west parking lot to reduce the impact on the adjacent property. In addition, the applicant is working with staff to provide pedestrian bump-outs on East Saint Joseph Street at the intersection with Birch Avenue to provide a safer crossing. In addition, the applicant is proposing to construct a bike path and sidewalk in the vacated alley south of the apartment building site to provide better circulation for area residents.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is proposing to provide housing in an area of the City that has a housing need. The exceptions requested by the applicant are in keeping with exceptions previously approved in the area. The applicant has demonstrated that the requested exceptions will have a minimal impact on adjacent properties. The stipulations of approval of this Major Amendment will ensure that the applicant meets the standards of the Building Code, Sign Code and Fire Code.

Engineering: Staff has identified a number of issues that must be addressed prior to issuance of a building permit. The water service valve is located on private property. As such, prior to issuance of a building permit, the applicant must record an access easement to allow the City access to a water service valve on private property. The submitted site plan identifies curb stops for the parking spaces on the west parking lot and on the west side of the north parking lot. Prior to issuance of a building permit, the site plan must be revised to include curbs or curb stops on the east side of the north parking lot. There is an existing retaining wall adjacent to the east side of the west parking lot. The applicant submitted calculations demonstrating that the retaining wall and soils are capable of supporting the proposed parking lot and vehicles. However, the design calculations were not signed and sealed by a professional engineer. As such, prior to issuance of a building permit, signed and sealed design calculations must be submitted for the existing retaining wall adjacent to the west parking lot. The site plan submitted with the application identifies that the approaches to the vacated alley on the south side of the apartment building site will be closed. The alley can be used for access throughout construction. However, the alley approaches from Elm Avenue and Birch Avenue shall be closed and curb and gutter installed prior to issuance of a certificate of occupancy.

Parking: The applicant is proposing to construct an additional 51 apartment units bringing the total number of units on the apartment building site to 85 units. The applicant is proposing to meet the minimum parking requirement by utilizing the north parking lot and the west parking lot. The Planning Commission should be aware that the minimum parking requirement was calculated for apartment units and not dormitories. The applicant has indicated that the proposed apartments will be available to the public if any units are open. However, the proposed parking may not meet the need of the residents

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of the apartment units and may cause the congestion of on-street parking in the local area.

The minimum parking requirement for 85 apartment units is 128 parking spaces. Five of the parking spaces must be handicap accessible with one being "van accessible". The applicant has submitted a parking plan that shows 75 parking spaces on the apartment building site, 28 parking spaces on the west parking lot and 30 parking spaces on the north parking lot. The total parking provided is 133 parking spaces, which exceeds the minimum required. Five of the parking spaces are handicap accessible with one being "van accessible". The applicant is proposing to locate the five required handicap accessible spaces adjacent to the proposed apartment buildings. The applicant has indicated that the proposed parking will be assigned to residents of the apartments and will not be open to the public.

Chapter 17.50.270(F)3 of the Rapid City Municipal Code requires that parking facilities be located within 300 feet of the use it is to serve using sidewalks and crossings. The applicant has submitted a parking plan that identifies the distance from the proposed north and west parking lots as being approximately 196 feet and 223 feet respectively. The proposed off-site parking lots meet the minimum distance requirement for parking facilities.

Landscaping: The proposed development occurs on three properties. The apartment building site requires a minimum of 52,299 landscaping points. The north parking lot requires a minimum of 10,956 landscaping points. The west parking lot requires a minimum of 9,029 landscaping points. The applicant has submitted a landscaping plan that shows the proposed landscaping for each property. The proposed landscaping plans for the north parking lot, west parking lot and the apartment building site show a total of 15,293 landscaping points, 9,320 landscaping points and 118,940 landscaping points respectively. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Air Quality: An air quality permit was issued on March 8, 2012 for a portion of the above legally described properties. In particular, Lots 1 thru 16 of Block 3 of Denman's Subdivision. The air quality permit expires on March 8, 2013. Prior to March 8, 2013, if the disturbed areas have not been reclaimed, the air quality permit must be renewed.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy. Fugitive erosion and air quality prevention measures must be in place at all times during construction.

Signage and Lighting: The applicant has submitted a sign package identifying the location of the proposed and existing ground signs on the apartment building site. The proposed ground sign located on the northwest corner of the site is in compliance with the Sign



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Code. The ground sign for Phase I is located in the southeast corner of the apartment building site. The site plan shows that the Phase I ground sign does not meet the minimum 10 foot setback requirement. As such, prior to issuance of a sign permit, a revised sign package must be submitted showing that the Phase I ground sign is in compliance with the Sign Code or the applicant must obtain a Variance from Chapter 15.29.020 of the Rapid City Municipal Code to reduce the minimum 10 foot setback requirement.

The proposed ground sign for Phase II reads "Rocker Square" and "Technology Housing". The proposed ground sign is in compliance with the Sign Code. All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Planned 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, will be allowed as a Minimal Amendment to the Major Amendment to a Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for the proposed signs.

The applicant has submitted a lighting package identifying outdoor lighting in the north and west off-site parking lots, on the exterior of the proposed apartment building and in the on-site parking lot. As such, all outdoor lighting must 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.

Fire Department: The Rapid City Fire Department has indicated concurrence with the proposed Major Amendment to a Planned Development. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: As of this writing, the white slips from the certified mailing have been returned and the required signs have been posted on the properties. Staff has not received any inquiries from the public at this time.