

STAFF REPORT
January 24, 2013

No. 12PD035 - Initial Planned Development Overlay to allow the Construction of a Multi-Family Development **ITEM 8**

GENERAL INFORMATION:

APPLICANT	James Letner
AGENT	Thomas Letner
PROPERTY OWNER	SA Group Properties, Inc.
REQUEST	No. 12PD035 - Initial Planned Development Overlay to allow the Construction of a Multi-Family Development
EXISTING LEGAL DESCRIPTION	The E1/2 of the W1/2 of the NE1/4 of the NW1/4 and the W1/2 of the E1/2 of the NE1/4 of the NW1/4; excepting therefrom a portion of Lot H1 of the NE1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 19.95 acres
LOCATION	Northwest of the intersection of Catron Boulevard and Wellington Drive
EXISTING ZONING	Medium Density Residential District (Planned Development) - General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Residential and Commercial
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Designation) - General Commercial (Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	October 26, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

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RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to allow the Construction of a Multi-Family Development be approved with the following stipulations:

1. An Exception is hereby granted to increase the maximum allowed height from 3 stories or 35 feet to 4 stories with a maximum height of 52 feet provided that a landscaping buffer be provided along the south and east lot lines and that the ground floor elevation will be 16 feet below existing grade as indicated on the applicant's site plan;
2. Upon submittal of a Final Planned Development Overlay, the applicant shall submit structural elevations and proposed color schemes for the structural development;
3. Upon submittal of a Final Planned Development Overlay, the applicant shall demonstrate that sufficient domestic and fire flows are available for the proposed development. All applicable provisions of the adopted International Fire Code shall continually be met;
4. Upon submittal of a Final Planned Development Overlay, a Traffic Impact Study shall be submitted for review and approval. In addition, construction plans as per the recommendation of the Traffic Impact Study shall be submitted for review and approval;
5. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted showing property line sidewalk or the applicant shall obtain an Exception from Chapter 12.08.060 of the Rapid City Municipal Code. In addition, a revised site plan shall be submitted identifying pedestrian circulation and bicycle facilities within the property;
6. Upon submittal of a Final Planned Development Overlay, a signed and sealed engineering stormwater report addressing quality and quantity control shall be submitted for review and approval;
7. Upon submittal of a Final Planned Development Overlay, an erosion and sediment control plan shall be submitted for review and approval;
8. Upon submittal of a Final Planned Development Overlay, a sign package shall be submitted for review and approval. All signage shall conform to the Sign Code;
9. Upon submittal of a Final Planned Development Overlay, a revised parking plan shall be submitted in compliance Chapter 17.50.270 of the Rapid City Municipal Code. In particular, a minimum of 456 parking spaces shall be provided for the proposed apartment complex. 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;
10. Upon submittal of a Final Planned Development Overlay, a landscaping plan shall be submitted for review and approval. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. In addition, a landscaping buffer shall be provided along the south and east lot lines as per Chapter 17.12.090 of the Rapid City Municipal Code. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
11. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay;
12. An Air Quality Construction Permit shall be obtained prior to any surface

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- disturbance of one acre or more;
13. 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; and,
14. The Initial Planned Residential Development shall allow for an apartment complex with a total of 304 units and a community building. The community building shall only be for the use of the residents of the apartment complex. A Final Planned Residential Development shall be obtained prior to issuance of a building permit.

GENERAL COMMENTS:

(Update: January 17, 2013. All revised and/or added text is shown in bold.) This item was continued at the January 10, 2013, Planning Commission meeting to allow staff, the public and Planning Commission members an opportunity to review and submit comments on the proposed building height. Staff has reviewed the photo simulations submitted by the applicant and has received public comments. Public comment reiterates concerns regarding traffic and the design of the proposed structures.

The stipulations of approval will ensure that the concerns about traffic are addressed as a part of the Final Planned Development Overlay. The applicant has stated that after leveling the site for construction, the proposed structures will be 16 feet lower than existing grade. In addition, the applicant is proposing to locate the parking on the interior of the site, a landscaping buffer will be required on the south and east property lines and the applicant is proposing 57 and 60 foot setbacks from the east and south property lines. The required setbacks are 35 feet. The proposed setbacks will provide additional separation between the adjacent properties and the proposed apartment buildings. For these reasons, staff recommends that the Initial Planned Development Overlay be approved with stipulations.

(Update January 3, 2013. All revised and/or added text is shown in bold.) This item was continued at the December 6, 2012, Planning Commission meeting at the applicants request and to allow the applicant to submit photo simulations demonstrating the height of the buildings in comparison with the adjacent terrain as requested by the Planning Commission. On January 3, 2013, the applicant submitted the photo simulations. However, the applicant has missed the deadline to submit new materials for review for the January 10, 2013 Planning Commission meeting. In particular, there is not sufficient time for the City reviewing team and the concerned public to review the information in order for staff to provide a recommendation to the Planning Commission at the January 10, 2013 Planning Commission meeting. As such, staff recommends that the Initial Planned Development Overlay be continued to the January 24, 2013 Planning Commission meeting to allow staff, the public and Planning Commission members an opportunity to review and submit comments on the proposed building height.

(Update November 28, 2012. All revised and/or added text is shown in bold.) This item was continued at the November 21, 2012, Planning Commission meeting to allow the applicant to submit photo simulations of the proposed apartment heights. The applicant has requested that this item be continued to the January 10, 2013, Planning Commission in order to obtain the requested photo simulations. Staff recommends that the Initial Planned

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Development Overlay be continued to the January 10, 2013 Planning Commission meeting.

The applicant has submitted an Initial Planned Development Overlay to allow the construction of a multi-family development. In particular, the applicant is proposing to construct four 4-story apartment buildings with underground parking and a community building. The applicant is specifically seeking an Exception to Chapter 17.12.070 of the Rapid City Municipal Code to allow a maximum height of 4 stories or 52 feet in lieu of the maximum 3 stories or 35 foot height allowed in the Medium Density Residential District. The applicant is proposing an additional story of apartments with 9 foot ceilings and a steeper pitched roof. The proposed development will include 304 apartment units.

On May 15, 2000, the City Council approved a Petition for Annexation (File # 00AN004) which included the above legally described property.

On October 2, 2000, the City Council approved a Rezoning request from No Use District to Low Density Residential District 2 (File #00RZ038) for a portion of the above legally described property. In addition, the City Council approved an Amendment to the Comprehensive Plan (File #00CA008).

On October 2, 2000, a Planned Development Designation (File #00PD044) was approved for a portion of the above legally described property.

On June 3, 2002, the City Council approved a Rezoning request from Low Density Residential District 2 to Medium Density Residential District (File #02RZ027) for a portion of the above legally described property. In addition, the City Council approved an Amendment to the Comprehensive Plan (File #02CA035) to change the future land use designation from a Planned Residential Development with two dwelling units per acre to Medium Density Residential District.

The property is located on the north side of Catron Boulevard approximately 1,300 feet northeast of the intersection of Catron Boulevard and Highway 16. Currently, the property is undeveloped.

STAFF REVIEW:

Staff has reviewed the Initial 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 property is approximately 19.95 acres in size and is located on the north side of Catron Boulevard approximately 1,300 feet northeast of the intersection of Catron Boulevard and Highway 16. The topography of the site slopes down from the southeast to the northwest.

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

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Previously, a Rezoning request from No Use District to Low Density Residential District 2 (File #00RZ038) was approved in conjunction with a Planned Development Designation (File #00PD044). The Planned Development Designation requires that a Final Planned Development Overlay be approved prior to development.

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:*

Chapter 17.12.070 of the Rapid City Municipal Code states that no building shall exceed 3 stories or 35 feet in height. The applicant is requesting an Exception to allow a building height of 4 stories or 52 feet. The applicant is proposing to mitigate the height by increasing the required front and side yard setbacks from 35 feet to 57 feet and 60 feet respectively. The increased setbacks take advantage of elevation to further mitigate the increase in height. The proposed location of the apartments is approximately 15 feet lower than the property line. In addition, the applicant is proposing to situate the parking on the interior of the proposed apartment complex to reduce the impact of vehicle noise and lights. Chapter 17.12.090 of the Rapid City Municipal Code also requires that 50% of the required landscaping be visible from adjacent single-family residential districts. The addition of landscaping along the property lines will serve as an additional buffer to adjacent properties. Based on these reasons, staff recommends that the Exception be granted to allow a building height of 4 stories or 52 feet in lieu of the maximum 3 stories or 35 feet in height provided that a landscaping buffer be provided along the south and east lot lines.

(Update: January 17, 2013) The applicant has submitted photo simulations that show the height of the proposed structures in relation to the surrounding terrain. The applicant has stated that after leveling the site for construction, the proposed structures will be 16 feet lower than the existing grade. In addition to the lower grade, the applicant is proposing to increase the minimum setbacks from 35 feet to 57 feet and 60 feet from the south and east property lines. The applicant is also proposing underground parking and a parking lot that is internal to the site. The location of the parking should help mitigate the impact of vehicle noise and lights on adjacent properties. The increased setbacks, the landscaping buffer, the parking lot location and lower final grade will mitigate the impact of the proposed height.

Due to the topography of the site, the applicant is proposing to locate the development on the south and east portions of the property. The north and west portions of the property will be used as open space. The proposed site plan shows that the topography will provide a natural buffer from the residential property to the west. However, the existing changes in elevation make it difficult to visually buffer the structures from the property to the west. The photo simulations show that from the existing residential neighborhood located south of the property, the structures will appear to be three stories in height. Based on these reasons, staff recommends that the Exception be granted to increase the maximum allowed height from 3 stories or 35 feet to 4 stories with a maximum

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height of 52 feet provided that a landscaping buffer be provided along the south and east lot lines and that the ground floor elevation will be 16 feet below existing grade as indicated on the applicant's site plan.

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:*

Engineering staff has voiced concerns that there may not be adequate domestic and fire flows to serve the proposed development. As such, upon submittal of a Final Planned Development Overlay, the applicant must demonstrate that sufficient domestic and fire flows are available for the proposed development.

Section 2.17.1 of the Infrastructure Design Criteria Manual states that a Traffic Report is required for any multi-family residential development with one hundred fifty (150) or more dwelling units. As such, upon submittal of a Final Planned Development Overlay, a Traffic Report must be submitted for review and approval. In addition, construction plans as per the recommendation of the Traffic Report must be submitted for review and approval.

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 northwest portion of the property slopes down into a valley. The applicant is proposing to maximize the use of a property by positioning the proposed development to the southeast. The applicant has demonstrated that the requested height Exception will be sufficiently buffered from neighboring properties and will have a minimal impact. 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.

The applicant should be aware that upon submittal of a Final Planned Development Overlay, a signed and sealed engineering stormwater report addressing quality and quantity control and an erosion and sediment control plan must be submitted for review and approval.

(Updated: January 17, 2013) The applicant has stated that leveling the site for construction will lower the existing grade by 16 feet. The applicant has submitted photo simulations showing that from the residential neighborhood located south of Catron Boulevard, that only the top three stories of the proposed structures will be visible. In consideration of granting the Exception for the height, staff recommends that upon submittal of a Final Planned Development Overlay, structural elevations and proposed color schemes be submitted to further

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address the visual impact the structures may have.

Use: All provisions of the underlying zoning districts must be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay. The Initial Planned Residential Development will allow for four 4-story apartment buildings with a total of 304 units and a community building. A Final Planned Residential Development must be obtained prior to issuance of a building permit.

Parking: The applicant is proposing to meet the minimum required parking with a mixture of underground and surface parking. The minimum parking requirement for 304 apartment units is 456 parking spaces. Nine of the parking spaces must be handicap accessible with two being "van accessible". The applicant has submitted a parking plan that shows 600 parking spaces. However, the parking plan does not identify the location of the required handicap accessible parking. As such, upon submittal of a Final Planned Development Overlay, a parking plan must be submitted in compliance Chapter 17.50.270 of the Rapid City Municipal Code. A minimum of 456 parking spaces must be provided for the proposed apartment complex. In addition, nine of the parking spaces must be handicap accessible. Two of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: The site plan indicates that landscaping will be provided as per the Chapter 17.50.300 and Chapter 17.12.090 of the Rapid City Municipal Code. However, as previously noted, staff has recommended approval of an Exception to increase the maximum allowed height from 3 stories or 35 feet to 4 stories or 52 feet provided that a landscaping buffer be provided along the south and east lot line. As such, upon submittal of a Final Planned Development Overlay, a landscaping plan in compliance with Chapter 17.50.300 and Chapter 17.12.090 of the Rapid City Municipal Code and providing a landscape buffer along the south and east lot lines must be submitted for review and approval. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Sidewalks and Pedestrian Circulation: The property abuts Catron Boulevard requiring that a five foot property line sidewalk be provided on the southeast side of the property or an Exception be obtained to waive the requirement. In addition, the applicant has indicated that a hiking trail will be provided but has not shown pedestrian access to the hiking facilities. As per Chapter 17.50.050(F)2.f.5 of the Rapid City Municipal Code, the applicant must show the location of all pedestrian and bicycle facilities. As such, upon submittal of a Final Planned Development Overlay, a revised site plan must be submitted showing property line sidewalk or the applicant must obtain an Exception from Chapter 12.08.060 of the Rapid City Municipal Code. In addition, the revised site plan must identify pedestrian circulation and bicycle facilities as per Chapter 17.50.050(F)2.f.5 of the Rapid City Municipal Code.

Air Quality: The proposed development is approximately 19.95 acres in size. As such, an Air Quality Construction Permit will be required prior to any surface disturbance of one acre or more.

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Signage and Lighting: The applicant has not submitted a sign package for the proposed development. As such, upon submittal of a Final Planned Development Overlay, a sign package must be submitted for review and approval. The proposed signage must be in compliance with Chapter 15.28.220 of the Rapid City Municipal Code. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s).

The applicant has indicated that outdoor lighting will be included in the proposed parking area and building entrances. 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.

Notification: The white slips and green cards have been returned. The sign has been posted.